



AN BILLE UM PÁIRTNÉIREACHT SHIBHIALTA 2009
CIVIL PARTNERSHIP BILL 2009

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AN BILLE UM PÁIRTNEIREACHT SHIBHIALTA 2009
CIVIL PARTNERSHIP BILL 2009

BILL

entitled

5 AN ACT TO PROVIDE FOR THE REGISTRATION OF CIVIL PARTNERS AND FOR THE CONSEQUENCES OF THAT REGISTRATION, TO PROVIDE FOR THE RIGHTS AND OBLIGATIONS OF COHABITANTS AND TO PROVIDE FOR CONNECTED MATTERS.

10 BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Civil Partnership Act 2009.

Short title, commencement and collective citation.

15 (2) This Act, other than *Part 3*, shall come into operation on the day or days that the Minister may appoint by order either generally or with reference to a particular purpose or provision and different days may be so appointed for different purposes or different provisions.

20 (3) *Part 3* shall come into operation on the day or days that the Minister may, after consulting with the Minister for Social and Family Affairs, appoint by order either generally or with reference to a particular purpose or provision.

2.—In this Act—

Interpretation.

25 “civil partnership registration” means registration of a civil partnership under section 59D (as inserted by *section 16* of this Act) of the Civil Registration Act 2004;

“Land Registry” has the meaning assigned to it by the Registration of Title Act 1964;

“Minister” means the Minister for Justice, Equality and Law Reform;

30 “Property Registration Authority” has the meaning assigned to it by the Registration of Deeds and Title Act 2006;

“Registry of Deeds” has the meaning assigned to it by the Registration of Deeds and Title Act 2006.

Civil partners.

3.—For the purposes of this Act a civil partner is either of two persons of the same sex who are—

- (a) parties to a civil partnership registration that has not been dissolved or the subject of a decree of nullity, or 5
- (b) parties to a legal relationship of a class that is the subject of an order made under *section 5* that has not been dissolved or the subject of a decree of nullity.

PART 2 10

STATUS OF CIVIL PARTNERSHIP

Declarations of civil partnership status.

4.—(1) The court may, on application to it in that behalf by either of the civil partners or by any other person who, in the opinion of the court, has a sufficient interest in the matter, make one or more of the following orders in relation to a civil partnership: 15

- (a) an order declaring that the civil partnership was at its inception a valid civil partnership;
- (b) an order declaring that the civil partnership subsisted on a date specified in the application; and
- (c) an order declaring that the civil partnership did not subsist on a date specified in the application other than the date of its inception. 20

(2) The court may only make an order under *subsection (1)* if one of the civil partners—

- (a) is domiciled in the State on the date of the application, 25
- (b) has been ordinarily resident in the State throughout the period of one year immediately preceding the date of the application, or
- (c) died before the date of the application and—
 - (i) was at the time of death domiciled in the State, or 30
 - (ii) had been ordinarily resident in the State throughout the period of one year immediately preceding the date of death.

(3) The other civil partner, the civil partners concerned, or the personal representative within the meaning of the Succession Act 1965 of the civil partner or each civil partner shall be joined in proceedings under this section and the court may order that notice of the proceedings be given to any other person that the court may specify. 35

(4) Where notice of proceedings under this section is given to a person, the court may, of its own motion or on application to it in that behalf by the person or a party to the proceedings, order that the person be added as a party to the proceedings. 40

5 (5) Where a party to proceedings under this section alleges that the civil partnership concerned is void and should be the subject of a decree of nullity of civil partnership, the court may treat the application under *subsection (1)* as an application for a decree of nullity of civil partnership and proceed to determine the matter accordingly and postpone the determination of the application made under *subsection (1)*.

10 (6) An order under *subsection (1)* is binding on the parties to the proceedings concerned and on a person claiming through such a party.

(7) An order under *subsection (1)* does not prejudice any person if it is subsequently proved to have been obtained by fraud or collusion.

15 (8) Rules of court may make provision as to the information to be given in an application for an order under *subsection (1)*, including particulars of any previous or pending proceedings in relation to the civil partnership or to the civil partnership status of a civil partner.

(9) The registrar of the court shall notify an tArd-Chláraitheoir of an order under *subsection (1)*.

20 (10) In this section a reference to a civil partner includes a reference to a person who was a civil partner until the dissolution of the civil partnership or until the civil partnership was annulled by decree of nullity.

25 **5.—(1)** The Minister may, by order, declare that a class of legal relationship entered into by two parties of the same sex is entitled to be recognised as a civil partnership if under the law of the jurisdiction in which the legal relationship was entered into—

Recognition of registered foreign relationships.

- (a) the relationship is exclusive in nature,
- 30 (b) the relationship is permanent unless the parties dissolve it through the courts,
- (c) the relationship may not be entered into by persons within the prohibited degrees of relationship set out in the Third Schedule to the Civil Registration Act 2004 (inserted by *section 26*),
- 35 (d) the relationship has been registered under the law of that jurisdiction, and
- (e) the rights and obligations attendant on the relationship are, in the opinion of the Minister, sufficient to indicate that the relationship would be treated comparably to a
- 40 civil partnership.

(2) An order under *subsection (1)* entitles and obliges the parties to the legal relationship to be treated as civil partners under the law of the State from the later of—

- 45 (a) the day which is 21 days after the date on which the order is made, and
- (b) the day on which the relationship was registered under the law of the jurisdiction in which it was entered into.

(3) Where an order is made under *subsection (1)*, a dissolution of a legal relationship under the law of the jurisdiction in which it was entered into, or under the law of any other jurisdiction in respect of which a class of legal relationship has been declared by an order made under that subsection to be entitled to be recognised as a civil partnership, shall be recognised as a dissolution and deemed to be a dissolution under *section 108*, and any former parties to such a relationship shall not be treated as civil partners under the law of the State from the later of—

(a) the day which is 21 days after the date on which the order is made, and

(b) the day on which the dissolution became effective under the law of the relevant jurisdiction.

(4) Every order made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done under it.

PART 3

REGISTRATION OF CIVIL PARTNERSHIP

Definition, *Part 3*.

6.—In this Part, “Act of 2004” means the Civil Registration Act 2004.

Amendment of section 2 of Act of 2004.

7.—(1) Section 2(1) of the Act of 2004 is amended—

(a) by inserting the following definitions:

“ ‘Act of 2009’ means the *Civil Partnership Act 2009*;

‘civil partner’ has the meaning assigned to it by the Act of 2009;

‘civil partnership registration’ means registration under section 59D;

‘civil status’ means being single, married, separated, divorced, widowed, in a civil partnership or being a former civil partner in a civil partnership that has ended by death or been dissolved;

‘dissolution’ means dissolution of a civil partnership under *section 108* of the *Act of 2009*;

(b) by substituting the following definition for the definition “decree of divorce”:

“‘decree of divorce’ has the meaning assigned to it by the Family Law (Divorce) Act 1996;”

(c) by substituting the following definition for the definition “decree of nullity”:

“ ‘decree of nullity’—

(a) in the case of a decree of nullity of marriage, has the meaning assigned to it by the Family Law (Divorce) Act 1996, and

5 (b) in the case of a decree of nullity of civil partnership, has the meaning assigned to it by the *Act of 2009*,”

10 (d) in the definition of “event”, by substituting “divorce, decree of nullity, civil partnership registration or dissolution” for “divorce or decree of nullity”,

(e) in the definition of “registrar”—

(i) by inserting the following paragraph after paragraph (a):

15 “(aa) in relation to a civil partnership registration or intended civil partnership registration, or the register of civil partnerships, means a registrar within the meaning of section 17,”

(ii) in paragraph (d), by substituting “,” for “, and”, and

20 (iii) by substituting the following paragraphs for paragraph (e):

“(e) in relation to a decree of nullity of marriage or the register of decrees of nullity of marriage, means the Courts Service,

25 (f) in relation to a decree of dissolution, or the register of decrees of dissolution, means the Courts Service, and

30 (g) in relation to a decree of nullity of a civil partnership or the register of decrees of nullity of civil partnerships, means the Courts Service,”

and

(f) in the definition of “the required particulars”,

(i) in paragraph (d), by substituting “,” for “, and”,

35 (ii) in paragraph (e), by substituting “Schedule, and” for “Schedule;”, and

(iii) by inserting the following paragraph after paragraph (e):

40 “(f) in relation to a civil partnership registration, the particulars specified in Part 5A of that Schedule.”.

(2) Section 2(2) of the Act of 2004 is amended—

(a) in paragraph (d), by substituting “,” for “, or”,

(b) in paragraph (e) by substituting “sex, or” for “sex.”, and

(c) by inserting the following paragraph after paragraph (e):

“(f) one of the parties to the marriage is, or both are, already party to a subsisting civil partnership.”.

(3) Section 2 of the Act of 2004 is amended by inserting the following subsection after subsection (2): 5

“(2A) For the purposes of this Act, there is an impediment to a civil partnership registration if—

(a) the civil partnership would be void by virtue of the Third Schedule, 10

(b) one of the parties to the intended civil partnership is, or both are, already party to a subsisting civil partnership,

(c) one or both of the parties to the intended civil partnership will be under the age of 18 years on the date of the intended civil partnership registration, 15

(d) one or both of the parties to the intended civil partnership does not give free and informed consent,

(e) the parties are not of the same sex, or

(f) one of the parties to the intended civil partnership is, or both are, married.”. 20

Amendment of section 8 of Act of 2004.

8.—Section 8(1) of the Act of 2004 is amended—

(a) in paragraph (b), by inserting “of marriage” after “nullity”,

(b) by inserting the following paragraphs after paragraph (b):

“(bb) to extend the Civil Registration Service to civil partnership registration, wherever occurring in the State, 25

(bbb) to extend the Civil Registration Service to decrees of dissolution and decrees of nullity of civil partnerships, wherever granted in the State,”, 30

(c) in paragraph (e), by inserting “of marriage” after “nullity”, and

(d) by inserting the following paragraphs after paragraph (e):

“(ee) to establish and maintain registers and indexes for the purposes of the registration of civil partnerships, 35

(eee) to establish and maintain registers and indexes for the purpose of the registration of decrees of dissolution of civil partnerships and of decrees of nullity of civil partnerships.”. 40

9.—Section 13(1) of the Act of 2004 is amended—	Amendment of section 13 of Act of 2004.
(a) in paragraph (f), by substituting “decrees of divorce),” for “decrees of divorce), and”, and	
(b) by substituting the following paragraphs for paragraph (g):	
5 “(g) a register of all decrees of nullity of marriage (which shall be known, and is referred to in this Act, as the register of decrees of nullity of marriage),	
10 (h) a register of all civil partnership registrations taking place in the State (which shall be known, and is referred to in this Act, as the register of civil partnerships),	
15 (i) a register of all decrees of dissolution (which shall be known, and is referred to in this Act, as the register of decrees of dissolution), and	
(j) a register of all decrees of nullity of civil partnerships (which shall be known, and is referred to in this Act, as the register of decrees of nullity of civil partnerships).”.	
20 10.—Section 17 of the Act of 2004 is amended—	Amendment of section 17 of Act of 2004.
(a) in paragraph (1)(b), by substituting “deaths, marriages and civil partnerships” for “deaths and marriages”, and	
(b) in subsection (13), by substituting “, marriages and civil partnerships” for “and marriages”.	
25 11.—Section 22(3)(b) of the Act of 2004 is amended by inserting “of marriage” after “nullity”.	Amendment of section 22 of Act of 2004.
12.—Section 23(3)(b) of the Act of 2004 is amended by inserting “of marriage” after “nullity”.	Amendment of section 23 of Act of 2004.
30 13.—Section 37(1)(a) of the Act of 2004 is amended by inserting “or, in the case where the deceased was a civil partner, his or her surviving civil partner,” before “who”.	Amendment of section 37 of Act of 2004.
14.—Section 46(7) of the Act of 2004 is amended by substituting “civil status” for “marital status”.	Amendment of section 46 of Act of 2004.
35 15.—Section 59(2) of the Act of 2004 is amended by inserting “of marriage” after “nullity” wherever it appears.	Amendment of section 59 of Act of 2004.
16.—The Act of 2004 is amended by inserting the following Part after section 59:	Insertion of new Part 7A of Act of 2004.

“PART 7A

REGISTRATION OF CIVIL PARTNERSHIPS

Definitions
(Part 7A).

59A.—In this Part—

‘civil partnership registration form’ means a form prescribed under section 59C; 5

‘register’ means the register of civil partnerships.

Notification of
civil
partnerships.

59B.—(1) A civil partnership registered in the State, after the commencement of this section, between persons of any age shall not be valid in law unless the persons concerned— 10

(a) notify any registrar in writing in a form for the time being standing approved by an tArd-Chláraitheoir of their intention to enter into a civil partnership not less than 3 months prior to the date on which the civil partnership is to be registered, and 15

(b) attend at the office of that registrar, or at any other convenient place specified by that registrar, at any time during normal business hours not less than 5 days (or a lesser number of days that may be determined by that registrar) before that date and make and sign a declaration in his or her presence that there is no impediment to the registration of the civil partnership. 20 25

(2) Notwithstanding paragraph (a) of subsection (1), the Circuit Court or the High Court may, on application to it by the persons wishing to enter into a civil partnership, order that the registration be exempt from that paragraph if the Court is satisfied, after a hearing held otherwise than in public, that there are serious reasons for the exemption and that the exemption is in the interests of those persons. 30 35

(3) The jurisdiction conferred on the Circuit Court by this section shall be exercised by a judge of the circuit in which either of the parties to the intended civil partnership concerned ordinarily resides or carries on any profession, business or occupation or where the place at which the civil partnership concerned is intended to be registered is situate. 40

(4) A court fee shall not be charged in respect of an application under subsection (2). 45

(5) Except in the circumstances that may be prescribed, a notification referred to in paragraph (1)(a) shall be delivered by both of the parties to the intended civil partnership, in person, to the registrar. 50

(6) The notification shall be accompanied by the prescribed fee and any other documents and information that an tArd-Chláraitheoir may specify.

5 (7) The requirements specified in subsections (1) and (5) are declared to be substantive requirements for registering a civil partnership.

10 (8) When, in relation to an intended civil partnership, a registrar receives a notification under paragraph (1)(a) and any other documents or information specified under subsection (6), he or she shall, as soon as reasonably practicable, notify in writing each of the parties to the intended civil partnership and the registrar who is to register the civil partnership of the receipt.

15 (9) A notification under subsection (8) shall not be construed as indicating the registrar's approval of the proposed civil partnership.

20 (10) The registrar may require each party to an intended civil partnership to provide him or her with the evidence relating to that party's forename, surname, address, civil status, age and nationality that an tArd-Chláraitheoir may specify.

25 (11) An tArd-Chláraitheoir may, if so authorised by the Minister, publish, in the form and manner that the Minister may direct, notice of notifications of intended civil partnerships under subsection (1), but a notice under this subsection shall not contain the personal public service number of a party to the intended civil partnership.

35 Civil partnership registration form.

59C.—(1) A registrar to whom a notification is given under section 59B, or who receives a copy of an exemption order under subsection (2) of that section, who is satisfied that that section has been complied with shall complete a civil partnership registration form for the intended civil partnership.

40 (2) Before the registration of a civil partnership, the registrar shall give a copy of the civil partnership registration form to one of the parties to the intended civil partnership.

45 (3) When the parties wish to register a civil partnership, one of them shall give the civil partnership registration form to the registrar who is to register the civil partnership for examination by him or her.

50 (4) A civil partnership registration form is valid only for a period of 6 months from the date on which it is completed. If the parties do not register the civil partnership during that period and wish to have their civil partnership registered, they shall again comply with section 59B.

Civil
partnership
registration.

(5) The Minister may prescribe the civil partnership registration form.

59D.—(1) The parties shall make the declarations referred to in subsection (3), and sign the civil partnership registration form in the presence of each other, the registrar and two witnesses professing to be 18 years or over and in a place that is open to the public, unless an tArd-Chláraitheoir or a superintendent registrar— 5

(a) is satisfied on the basis of a certificate of a registered medical practitioner that one or both of the parties is too ill to attend at a place that is open to the public, and 10

(b) gives approval to the registrar that signature of the form take place at another place chosen by the parties and agreed to by the registrar. 15

(2) The registrar shall be satisfied that the parties understand the nature of the civil partnership and the declarations specified in subsection (3). 20

(3) Each party to the civil partnership shall make the following declarations:

(a) a declaration that he or she does not know of any impediment to the civil partnership registration; 25

(b) a declaration of his or her intention to live with and support the other party; and

(c) a declaration that he or she accepts the other party as a civil partner in accordance with the law. 30

(4) The requirements of subsections (1) to (3) are declared to be substantive requirements for civil partnership registration. 35

(5) The parties may, before signing the civil partnership registration form, take part in a ceremony in a form approved by an tArd-Chláraitheoir in which the declarations are made orally in a place open to the public and in the presence of the registrar and the witnesses. 40

(6) The witnesses shall sign the form after the parties to the civil partnership have done so, and the registrar shall countersign the form and, as soon as practicable after the signatures and counter-signature, enter the particulars in relation to the civil partnership in the register and register the civil partnership in any other manner that an tArd-Chláraitheoir may direct. 45

5 (7) The Minister may provide by regulations for the correction of errors in entries in the register and for the causing of corrected entries to be entered in the register and for the retention of the original entries in the register.

10 (8) Where an tArd-Chláraitheoir is satisfied that an entry in the register relates to a civil partnership in relation to which section 59B(1) was not complied with (other than where there has been an exemption ordered under subsection (2) of that section)—

(a) an tArd-Chláraitheoir shall direct a registrar to cancel the entry,

(b) the registrar shall cancel the entry, and

15 (c) an tArd-Chláraitheoir shall notify the parties.

Places and times for registration of civil partnerships.

20 59E.—(1) A civil partnership may be registered only at a place and time chosen by the parties to the civil partnership with the agreement of the registrar and, if the place chosen is not the office of a registrar, the approval of the place by the Executive, and the question whether to give or withhold the approval, shall be determined by the Executive by reference to the matters that the Minister may specify.

(2) Where a registrar registers a civil partnership at a place other than the office of a registrar, the parties shall pay to the registrar a fee in the amount that the Executive may determine.

30 (3) When a registrar incurs travel or subsistence expenses in connection with registering a civil partnership at a place other than his or her office, the parties shall pay to the registrar an amount in respect of the expenses, calculated by reference to a scale that the Executive may draw up.

35 (4) An amount payable under subsection (2) or (3) may be recovered by the registrar from the parties as a simple contract debt in any court of competent jurisdiction.

40 Objections.

59F.—(1) A person may, at any time before a civil partnership registration, lodge with any registrar an objection in writing that contains the grounds on which the objection is based.

45 (2) If the registrar who receives an objection under subsection (1) is not assigned to the same registration area as the registrar to whom the notification was given under section 59B (or, where there has been an exemption ordered under subsection (2) of that section, the registrar who is to register the civil partnership)—

- (a) the receiving registrar shall refer the objection to the Superintendent Registrar of the registration area to which the other registrar is assigned,
- (b) the Superintendent Registrar shall direct a registrar assigned to that area to perform the function conferred by this section on the receiving registrar, 5
- (c) the registrar who receives the direction shall comply with it, and 10
- (d) references in this section to the registrar who receives an objection shall be construed as references to the registrar who receives the direction and this section shall apply and have effect accordingly. 15

(3) If the registrar who receives an objection under subsection (1) is satisfied that the objection relates to a minor error or misdescription in the relevant notification under section 59B which would not constitute an impediment to the civil partnership, the registrar shall— 20

- (a) notify the parties to the intended civil partnership registration of the objection, 25
- (b) make the appropriate enquiries,
- (c) if the civil partnership registration form has been given to one of the parties, request its return and correct it and the notification and make any necessary corrections to any other records relating to the civil partnership, and 30
- (d) give the corrected civil partnership registration form to one of the parties to the civil partnership. 35

(4) If the registrar who receives an objection under subsection (1) believes that the possibility of the existence of an impediment to the intended civil partnership registration needs to be investigated, he or she shall refer the objection to an tArd-Chláráitheoir for consideration and, pending the decision of an tArd-Chláráitheoir, he or she shall— 40

- (a) notify the parties to the intended civil partnership registration that— 45
 - (i) an objection has been lodged and the grounds on which it is based,
 - (ii) the objection is being investigated, and

(iii) the civil partnership registration will not proceed until the investigation is completed,

5 (b) if the civil partnership registration form has not been issued, suspend its issue,

10 (c) if the civil partnership registration form has been issued, request the party to the intended civil partnership registration to whom it was given to return it to the registrar, and

15 (d) notify the proposed registrar of the civil partnership, if a different registrar is intended to register the civil partnership, that an objection is being investigated, and direct him or her not to register the civil partnership until the investigation is completed.

(5) A registrar shall comply with a direction under paragraph (4)(d).

20 (6) Where an objection is referred to an tArd-Chláraitheoir pursuant to subsection (4), he or she shall make a decision on the objection as soon as practicable.

25 (7) In a case referred to in subsection (4), if an tArd-Chláraitheoir decides that no impediment to the intended civil partnership exists, he or she shall advise the registrar to that effect and the registrar shall—

30 (a) notify the parties to the civil partnership that no impediment to the civil partnership exists,

(b) issue or re-issue the civil partnership registration form to one of those parties, and

35 (c) notify the person who lodged the objection that no impediment to the civil partnership exists.

40 (8) In a case referred to in subsection (4), if an tArd-Chláraitheoir decides that there is an impediment to the intended civil partnership, he or she shall advise the registrar to that effect and of the reasons for the decision and the registrar shall—

45 (a) notify the parties to the civil partnership—

(i) that the registration of the civil partnership will not proceed, and

50 (ii) of the decision of an tArd-Chláraitheoir and of the reasons for it, and

(b) take all reasonable steps to ensure that the registration does not proceed.

(9) If, notwithstanding the steps taken by the registrar pursuant to paragraph (8)(b), the civil registration proceeds, the entry in the register is invalid and any person who becomes aware of that entry into the register shall notify an tArd-Chláraitheoir of it. 5

(10) When an tArd-Chláraitheoir becomes aware of an entry referred to in subsection (9)— 10

(a) an tArd-Chláraitheoir shall direct a registrar to cancel the entry and notify the parties and the registrar who made the entry of the direction, and

(b) the registrar shall comply with the direction and cancel the entry and ensure that the cancelled entry is retained in the register. 15

(11) A party to a proposed civil partnership may appeal to the Circuit Court against the decision of an tArd-Chláraitheoir under subsection (8) in relation to the civil partnership. 20

(12) The jurisdiction conferred on the Circuit Court by subsection (11) may be exercised by a judge of the circuit in which either of the parties to the intended civil partnership ordinarily resides or carries on any profession, business or occupation or the place at which civil partnership concerned had been intended to be registered is situate. 25 30

(13) A person who has lodged an objection under subsection (1) may withdraw the objection, but an tArd-Chláraitheoir may, if he or she considers it appropriate to do so, investigate or complete his or her investigation of the objection and issue any directions to the registrar concerned in relation to the matter that he or she considers necessary. 35

(14) An objection on the ground that the civil partnership would be void by virtue of the incapacity of one or both of the parties to give informed consent shall be accompanied by a certificate supporting the objection made by a consultant psychiatrist within the meaning of section 2(1) of the Mental Health Act 2001. 40 45

Where translation required.

59G.—(1) If a party or a witness to a civil partnership registration does not have sufficient knowledge of the language of the registration to understand the registration documents or the declarations, the parties shall arrange for the certified translation of the relevant documents into a language known to the party or witness, by a translator who is not a party to the civil partnership or a witness. 50

5 (2) If a party or a witness to a civil partnership registration who signs the civil partnership registration form after a ceremony referred to in section 59D(5) does not have sufficient knowledge of the language of the registration to understand the registration documents or the declarations, the parties shall have an interpreter present who shall—

10 (a) before the ceremony, sign, in the presence of the registrar, a statement to the effect that the interpreter understands and is able to converse in the language in respect of which he or she is to act as interpreter and give the statement to the registrar, and

15 (b) immediately after the ceremony, give the registrar a signed certificate written in the language used during the ceremony to the effect that the interpreter has faithfully acted as interpreter.

20 (3) The registrar shall countersign the certificate referred to in paragraph (2)(b).

25 Effect of registration. 59H.—The parties to a registered civil partnership shall be taken to be civil partners of each other when section 59D has been complied with and all duties and benefits that accrue to civil partners under the *Act of 2009* or any other law accrue to them.

30 Effect of this Part. 59I.—This Part shall have effect notwithstanding any statutory provision that conflicts with it.”.

17.—The Act of 2004 is amended by inserting the following Part before section 60: Insertion of new Part 7B of Act of 2004.

“PART 7B

REGISTRATION OF DECREES OF DISSOLUTION OF CIVIL PARTNERSHIP AND DECREES OF NULLITY OF CIVIL PARTNERSHIP

35 Registration of decrees of dissolution and decrees of nullity of civil partnership. 59J.—(1) When a court grants a decree of dissolution, an officer of the Courts Service authorised in that behalf by the Courts Service shall, as soon as may be, enter or cause to be entered in the register of decrees of dissolution of civil partnership the particulars in relation to the matter set out in Part 6A of the First Schedule.

40 (2) When a court grants a decree of nullity of civil partnership, an officer of the Courts Service authorised in that behalf by the Courts Service shall, as soon as may be, enter or cause to be entered in the register of decrees of nullity of civil partnership the particulars in relation to the matter set out in Part 7A of the First Schedule.

(3) An officer of the Courts Service authorised in that behalf by the Courts Service may amend or cancel or cause to be amended or cancelled an entry in the register referred to in subsection (1) or (2). 5

(4) The Courts Service shall notify an tArd-Chláraitheoir of an amendment or cancellation under subsection (3).

(5) This section has effect notwithstanding any statutory provision that conflicts with it.”. 10

Amendment of section 60 of Act of 2004.

18.—Section 60(1) of the Act of 2004 is amended—

(a) in paragraph (a), by substituting “death, marriage or civil partnership” for “death or marriage”, and

(b) by inserting “, the parties to the civil partnership” before “or the person”. 15

Amendment of section 64 of Act of 2004.

19.—Section 64 of the Act of 2004 is amended by inserting the following subsections after subsection (7):

“(8) If an tArd-Chláraitheoir is satisfied that an entry in the register of civil partnerships relates to a civil partnership of a class referred to in subsection (9)— 20

(a) an tArd-Chláraitheoir shall direct a registrar to cancel the entry and notify the parties to the civil partnership and the registrar who registered it of the direction, and

(b) the registrar shall comply with the direction and ensure that the cancelled entry is retained in the register. 25

(9) The classes referred to in subsection (8) are:

(a) a civil partnership, as respects which one or more of the requirements specified in subsections (1) and (5) of section 59B were not complied with (other than where there has been an exemption ordered under subsection (2) of that section); and 30

(b) a civil partnership to which there was an impediment within the meaning of section 2(2A).” 35

Amendment of section 65 of Act of 2004.

20.—Section 65(1)(a) of the Act of 2004 is amended by substituting “death, marriage or civil partnership”, for “death or marriage”.

Amendment of section 66 of Act of 2004.

21.—Section 66(1) of the Act of 2004 is amended by substituting “marriages, civil partnerships, decrees of divorce, decrees of nullity of marriage, decrees of dissolution or decrees of nullity of civil partnership” for “marriages, decrees of divorce, or decrees of nullity”. 40

Amendment of section 69 of Act of 2004.

22.—Section 69 of the Act of 2004 is amended—

(a) in subsection (4), by inserting “, civil partnership” after “marriage”,

(b) by inserting the following subsection after subsection (9):

5 “(9A) A registrar who, without reasonable cause, fails or refuses to give a civil partnership registration form to one of the parties to an intended civil partnership in respect of which he or she has received a notification under section 59B(1)(a), or a copy of an exemption order under section 59B(2), commits an offence.”

10 (c) in subsection (10)—

(i) by inserting the following paragraph after paragraph (f):

15 “(fa) registers or is a party to a civil partnership in respect of which, to his or her knowledge, subsection (1) or (5) of section 59B is not complied with, (other than where there has been an exemption ordered under subsection (2) of that section),”

(ii) by inserting in paragraph (h) “or 59F” after “58”,

20 (iii) by inserting in paragraph (i) “, or 59B(1)(b)” after “46(1)(b)”,

(iv) by substituting in paragraph (i), “false or misleading,” for “false or misleading, or”,

25 (v) by substituting in paragraph (j) “form, or” for “form,” and

(vi) by inserting the following paragraph after paragraph (j):

30 “(k) not being a registrar, deletes or alters information in relation to the parties to a civil partnership on a civil partnership registration form.”

23.—Section 70(2) of the Act of 2004 is amended by substituting “(9), (9A),” for “(9),”.

Amendment of section 70 of Act of 2004.

24.—Section 73 of the Act of 2004 is amended—

Amendment of section 73 of Act of 2004.

35 (a) in subsection (1)—

(i) by inserting the following paragraph after paragraph (d):

“(dd) civil partnerships,”;

40 (ii) by inserting “of marriage” after “nullity” in paragraph (f);

(iii) by inserting the following paragraphs after paragraph (f):

“(ff) decrees of dissolution,

(fff) decrees of nullity of civil partnership,”

- (b) in paragraph (3)(a), by inserting “of marriage, civil partnership, decree of dissolution, decree of nullity of civil partnership,” after “nullity” wherever it appears, and 5
- (c) in subsection (7), by inserting “of marriage, civil partnership, decree of dissolution, decree of nullity of civil partnership,” after “nullity”.

Amendment of
First Schedule to
Act of 2004.

25.—The First Schedule to the Act of 2004 is amended—

- (a) by substituting “civil status” for “marital status” wherever it appears, 10
- (b) in Part 5, by substituting “If deceased was married or a civil partner, the profession or occupation of spouse or civil partner.” for “If deceased was married, the profession or occupation of spouse.”, 15
- (c) by inserting the following Part after Part 5:

“PART 5A

PARTICULARS TO BE ENTERED IN REGISTER OF CIVIL
PARTNERSHIPS

Section 59D. 20

Date and place of registration.

Forenames, surnames, birth surnames, dates of birth and addresses of both parties.

Sex of both parties.

Civil status of both parties before registration. 25

Personal public service numbers of both parties.

Nationality of both parties.

Profession or occupation of both parties.

Forenames, surnames, birth surnames of parents of both parties. 30

Forenames, surnames, birth surnames, dates of birth, addresses and occupations of both witnesses.

Signature of registrar.”,

- (d) by inserting the following Part after Part 6:

“PART 6A

PARTICULARS TO BE ENTERED IN REGISTER OF
DISSOLUTIONS

Section 59J.

- 5 Court by which the decree was granted.
- Year and record number of the proceedings.
- Forenames, surnames and birth surnames of the parties to the proceedings.
- 10 Personal public service numbers of the parties to the proceedings.
- Date and place of civil partnership registration.
- Date of the decree.
- Date of registration of the decree.
- Forenames and surname of officer of Courts Service.”.
- 15 (e) by inserting “of Marriage” at the end of the title to Part 7, and
- (f) by inserting the following Part after Part 7:

“PART 7A

PARTICULARS TO BE ENTERED IN REGISTER OF DECREES OF
NULLITY OF CIVIL PARTNERSHIP

- 20
- Section 59J.*

- Court by which the decree was granted.
- Year and record number of the proceedings.
- 25 Forenames, surnames and birth surnames of the parties to the proceedings.
- Personal public service numbers of the parties to the proceedings.
- Date and place of civil partnership registration.
- Declaration of court.
- 30 Date of the decree.
- Date of registration.
- Forenames and surname of officer of Courts Service.”.

26.—The Act of 2004 is amended by inserting the following Schedule after the Second Schedule: New Third
Schedule to Act of
2004.

“THIRD SCHEDULE

PROHIBITED DEGREES OF RELATIONSHIP

Section 2.

A person may not enter a civil partnership with someone within the prohibited degrees of relationship, as set out in the table below. Relationships within that table should be construed as including relationships in the half-blood (e.g. sibling includes a sibling where there is only one parent in common, etc.), and all the relationships include relationships and former relationships by adoption.

A man may not enter a civil partnership with his:	A woman may not enter a civil partnership with her:
Grandfather	Grandmother
Grandparent’s brother	Grandparent’s sister
Father	Mother
Father’s brother	Mother’s sister
Mother’s brother	Father’s sister
Brother	Sister
Nephew	Niece
Son	Daughter
Grandson	Granddaughter
Grandnephew	Grandniece

5
10
15
20
”.

PART 4

SHARED HOME PROTECTION

25

Interpretation.

27.—In this Part—

- “conduct” includes an act and a default or other omission;
- “conveyance” includes a mortgage, lease, assent, transfer, disclaimer, release, another disposition of property otherwise than by a will or a *donatio mortis causa*, and an enforceable agreement, whether conditional or unconditional, to make one of those conveyances;
- “dwelling” means a building or part of a building occupied as a separate dwelling and includes—
 - (a) a garden or other land usually occupied with the building that is subsidiary and ancillary to it, is required for amenity or convenience and is not being used or developed primarily for commercial purposes,
 - (b) a structure that is not permanently attached to the ground, and
 - (c) a vehicle or vessel, whether mobile or not, occupied as a separate dwelling;
- “interest” means any estate, right, title or other interest, legal or equitable;

“mortgage” includes an equitable mortgage, a charge on registered land and a chattel mortgage;

5 “rent” includes a conventional rent, a rentcharge within the meaning of section 2(1) of the Statute of Limitations 1957 and a terminable annuity payable in respect of a loan for the purchase of a shared home;

“shared home” means—

(a) subject to *paragraph (b)*, a dwelling in which the civil partners ordinarily reside; and

10 (b) in relation to a civil partner whose protection is in issue, the dwelling in which that civil partner ordinarily resides or, if he or she has left the other civil partner, in which he or she ordinarily resided before leaving.

15 **28.—(1)** Where a civil partner, without the prior consent in writing of the other civil partner, purports to convey an interest in the shared home to a person except the other civil partner, then, subject to *subsections (2), (3), and (8) to (14) and section 29*, the purported conveyance is void. Alienation of interest in shared home.

20 (2) *Subsection (1)* does not apply to a conveyance if it is made by a civil partner in pursuance of an enforceable agreement made before the civil partners’ registration of their civil partnership.

(3) A conveyance is not void by reason only of *subsection (1)* if—

(a) it is made to a purchaser for full value,

25 (b) it is made by a person other than the civil partner to a purchaser for value, or

(c) its validity depends on the validity of a conveyance in respect of which a condition mentioned in *subsection (2)* or *paragraph (a)* or *(b)* is satisfied.

30 (4) If any question arises in any proceedings as to whether a conveyance is valid by reason of *subsection (2)* or *(3)*, the burden of proving the validity is on the person alleging it.

(5) In *subsection (3)*, “full value” means value that amounts or approximates to the value of that for which it is given.

35 (6) In this section, “purchaser” means a grantee, lessee, assignee, mortgagee, chargeant or other person who in good faith acquires an estate or interest in property.

40 (7) For the purposes of this section, section 3 of the Conveyancing Act 1882 shall be read as if the words “as such” wherever they appear in paragraph (ii) of subsection (1) of that section were omitted.

(8) Subject to *subsection (9)*, proceedings may only be instituted to have a conveyance declared void by reason only of *subsection (1)* if they are instituted before the expiration of 6 years from the date of the conveyance.

45 (9) Proceedings referred to in *subsection (8)* may be instituted by a civil partner who was in actual occupation of the shared home

during the whole period that begins with the date of the conveyance and ends immediately before the institution of the proceedings, even if 6 years have expired from the date of the conveyance.

(10) *Subsection (8)* is without prejudice to the rights of civil partners to seek redress for contraventions of *subsection (1)* otherwise than by proceedings referred to in that subsection. 5

(11) A conveyance is deemed not to be and never to have been void by reason of *subsection (1)* unless—

(a) it has been declared void by a court by reason of *subsection (1)* in proceedings instituted in accordance with *subsection (8)* on or after the date on which this section commences, or 10

(b) subject to the rights of any other person concerned, it is void by reason of *subsection (1)* and the parties to the conveyance or their successors in title so state in writing before the expiration of 6 years from the date of the conveyance. 15

(12) A copy of a statement made for the purpose of *paragraph (b)* of *subsection (11)* and certified by the parties concerned or their successors in title to be a true copy shall, before the expiration of the 6 years referred to in that paragraph, be lodged by the parties or their successors with the Property Registration Authority for registration in the Land Registry or Registry of Deeds as appropriate. 20

(13) A person who institutes proceedings to have a conveyance declared void by reason of *subsection (1)* shall, as soon as may be, cause relevant particulars of the proceedings to be entered as a *lis pendens* under and in accordance with the Judgements (Ireland) Act 1844 in any form that the rules of court may provide. 25

(14) A general consent given in writing by a civil partner, after the commencement of this section, to any future conveyance of any interest in a shared home or a former shared home is deemed, for the purposes of *subsection (1)*, to be a prior consent in writing if the deed for the conveyance is executed after the date of the consent. 30

Consent of civil partner.

29.—(1) Where the civil partner whose consent is required under *section 28* omits or refuses to consent, the court may, subject to this section, dispense with the consent. 35

(2) The court shall not dispense with the consent unless the court considers that it is unreasonable for the civil partner to withhold consent, taking into account all the circumstances, including—

(a) the respective needs and resources of the civil partners, and 40

(b) in a case where the civil partner whose consent is required is offered alternative accommodation, the suitability of that accommodation having regard to the respective degrees of security of tenure in the shared home and the alternative accommodation. 45

(3) The court shall dispense with the consent of a civil partner whose consent is required if—

(a) the civil partner cannot be found after reasonable inquiries, and

(b) the court is of the opinion that it would be reasonable to do so.

5 (4) The court may give the consent on behalf of a civil partner whose consent is required if—

(a) a consultant psychiatrist, within the meaning of the Mental Health Act 2001, certifies that the civil partner is incapable of giving consent, and

10 (b) the court is of the opinion that it would be reasonable to do so.

15 **30.**—(1) Where it appears to the court, on the application of a civil partner, that the other civil partner is engaging in conduct that might lead to the loss of any interest in the shared home or might render it unsuitable for habitation as a shared home, with the intention of depriving the applicant of his or her residence in the shared home, the court may make any order that it considers proper, directed to the other civil partner or to any other person, for the protection of the shared home in the interest of the applicant. Conduct leading to loss of shared home.

20 (2) Where it appears to the court, on the application of a civil partner, that the other civil partner has deprived the applicant of his or her residence in the shared home by conduct that resulted in the loss of any interest in it or rendered it unsuitable for habitation as a shared home, the court may order the other civil partner or any other person to pay to the applicant the amount that the court considers proper to compensate the applicant for their loss or make any other order directed to the other civil partner or to any other person that may appear to the court to be just and equitable.

30 **31.**—(1) Any payment or tender made or any other thing done by one civil partner in or towards satisfaction of any liability of the other civil partner in respect of rent, mortgage payments or other outgoings affecting the shared home shall be as good as if made or done by the other civil partner, and shall be treated by the person to whom the payment is made or the thing is done as though it were made or done by the other civil partner. Payment of outgoings on shared home.

(2) Nothing in *subsection (1)* affects any claim by the first-mentioned civil partner against the other to an interest in the shared home by virtue of the payment made or thing done.

40 **32.**—(1) The court may adjourn proceedings in an action brought by a mortgagee or lessor in relation to non-payment against a civil partner and claiming possession or sale of the shared home if it appears to the court that— Adjournment of proceedings by mortgagee or lessor for possession or sale of shared home.

45 (a) the other civil partner is capable of paying to the mortgagee or lessor the arrears (other than the arrears of principal or interest or rent that do not constitute part of the periodical payments due under the mortgage or lease) of money due under the mortgage or lease within a reasonable time, and future periodical payments falling due

under the mortgage or lease, and that the other civil partner desires to pay the arrears and periodical payments, and

- (b) it would be just and equitable to do so, in all the circumstances and having regard to the interests of the mortgagee or lessor, the respective interests of the civil partners and the terms of the mortgage or lease. 5

(2) In considering whether to adjourn the proceedings under this section, and if so, for what period and on what terms, the court shall have regard in particular to whether the other civil partner has been informed, by or on behalf of the mortgagee or lessor or otherwise, of the non-payment of any of the sums in question. 10

Modification of terms of mortgage or lease as to payment of capital sum.

33.—The court may by order declare, on application by a civil partner, that a term of a mortgage or lease by virtue of which a sum is due, other than periodical payments due under the mortgage or lease, is of no effect for the purpose of proceedings under *section 32*, if, after the proceedings have been adjourned under that section it appears to the court that— 15

- (a) all arrears (other than the arrears of principal or interest or rent that do not constitute part of the periodical payments due under the mortgage or lease or money due under the mortgage or lease) and periodical payments due as of the date of the order have been paid off, and 20
- (b) the periodical payments subsequently falling due will continue to be paid. 25

Restriction on disposal of household chattels.

34.—(1) The court may, on the application of a civil partner, by order prohibit, on the terms it may see fit, the other civil partner from disposing of or removing household chattels, if the court is of the opinion that there are reasonable grounds to believe that the other civil partner intends to do so and that it would make it difficult for the applicant to reside in the shared home without undue hardship if the household chattels were disposed of or removed. 30

(2) Where proceedings for the dissolution of a civil partnership have been instituted by a civil partner, neither civil partner shall sell, lease, pledge, charge or otherwise dispose of or remove any of the household chattels in the shared home until the proceedings have been finally determined, unless— 35

- (a) the other civil partner has consented to the disposition or removal, or
- (b) the court before which the proceedings have been instituted, on application by the civil partner who desires to make the disposition or removal, permits the civil partner to do so, with or without conditions. 40

(3) Without prejudice to any other civil or criminal liability, a civil partner who contravenes *subsection (2)* commits an offence and is liable on summary conviction to a fine not exceeding €127 or to imprisonment for a term not exceeding 6 months or to both. 45

(4) The court may order, on the application of a civil partner, that the other civil partner provide household chattels or a sum of money

to the applicant, so as to place the applicant as nearly as possible in the position that prevailed before—

(a) the other civil partner contravened an order under *subsection (1) or (2)*, or

5 (b) the other civil partner sold, leased, pledged, charged or otherwise disposed of or removed the number or proportion of the household chattels in the shared home that made or is likely to make it difficult for the applicant to reside in the shared home without undue hardship.

10 (5) In proceedings under this section, the court may make an order that appears to it to be proper in the circumstances, directed to a third person who has been informed in writing by a civil partner before the proceedings were taken, with respect to a proposed disposition to the third person by the other civil partner.

15 (6) For the purposes of this section, “household chattels” means personal property ordinarily used in a household and includes garden effects and domestic animals, but does not include money or any chattels used by either civil partner for business or professional purposes.

20 **35.**—In any proceedings under or referred to in this Part, each of the civil partners as well as any third person who has or may have an interest in the proceedings may be joined—

Joinder of parties.

(a) by service of a third-party notice by an existing party to the proceedings, or

25 (b) by direction of the court.

36.—(1) A civil partner may lodge with the Property Registration Authority a notice stating that he or she is the civil partner of a person having an interest in property or land.

Registration of notice of existence of civil partnership.

30 (2) A notice under *subsection (1)* shall be registered in the Registry of Deeds or Land Registry, as appropriate.

(3) No stamp duty or fee shall be payable in respect of any such notice.

35 (4) The fact that notice of a civil partnership has not been registered under *subsection (1)* shall not give rise to any inference as to the non-existence of a civil partnership.

37.—Section 59(2) of the Registration of Title Act 1964 (which refers to noting upon the register provisions of any enactment restricting dealings in land) does not apply to this Part.

Restriction of section 59(2) of Registration of Title Act 1964.

38.—(1) A person commits an offence if he or she—

Offences.

40 (a) has an interest in premises,

(b) is required in writing by or on behalf of a person proposing to acquire the interest to give information necessary to establish if the conveyance of that interest requires a consent under *section 28(1)*, and

(c) knowingly gives information that is false or misleading in any material particular.

(2) A person who commits an offence under *subsection (1)* is liable—

(a) on summary conviction, to a fine not exceeding €254 or to imprisonment for a term not exceeding 12 months, or to both, or 5

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years.

Protection of certain tenancies.

39.—The Residential Tenancies Act 2004 is amended— 10

(a) in section 3(2)(h) and section 35(4) by inserting “, civil partner within the meaning of the *Civil Partnership Act 2009*” after “spouse” wherever it appears, and

(b) in section 39(3)(a)(i), by inserting “or civil partner within the meaning of the *Civil Partnership Act 2009*” after “spouse”. 15

Protection of certain tenancies.

40.—(1) In this section, “Act of 1982” means the Housing (Private Rented Dwellings) Act 1982.

(2) Section 9 of the Act of 1982 is amended in subsection (2) by inserting “or civil partner within the meaning of the *Civil Partnership Act 2009*” after “spouse” wherever it appears. 20

(3) Section 16(1) of the Act of 1982 is amended by inserting “or of the tenant or the tenant’s civil partner within the meaning of the *Civil Partnership Act 2009*” after “dwelling” where it lastly occurs.

(4) Section 22 of the Act of 1982 is amended by inserting “or civil partner within the meaning of the *Civil Partnership Act 2009*” after “spouse” wherever it appears. 25

Amendment of Civil Legal Aid Act 1995.

41.—Section 28(9)(c)(i) of the Civil Legal Aid Act 1995 is amended by substituting “or proceedings arising out of a dispute between spouses as to the title to or possession of any property, proceedings under *Part 4* of the *Civil Partnership Act 2009*, or proceedings arising out of a dispute between civil partners within the meaning of that Act as to the title to or possession of any property;” for “or proceedings arising out of a dispute between spouses as to the title to or possession of any property;”. 30 35

PART 5

MAINTENANCE OF CIVIL PARTNER

Interpretation.

42.—(1) In this Part—

“antecedent order” means—

(a) a maintenance order, 40

(b) a variation order,

(c) an interim order,

(d) an order under *section 47* insofar as it is deemed under that section to be a maintenance order, or

5 (e) an order for maintenance pending suit under *section 114* or a periodical payments order or secured periodical payments order under *Part 12*;

“attachment of earnings order” means an order under *section 50*;

10 “desertion” includes conduct on the part of one civil partner that results in the other civil partner, with just cause, leaving and living separately and apart from the first civil partner;

“earnings” means any sums payable to a person—

15 (a) by way of wages or salary (including any fees, bonus, commission, overtime pay or other emoluments payable in addition to wages or salary or payable under a contract of service), and

20 (b) by way of pension or other like benefit in respect of employment (including an annuity in respect of past services, whether or not rendered to the person paying the annuity, and including periodical payments by way of compensation for the loss, abolition or relinquishment, or diminution in the emoluments, of any office or employment);

“interim order” means an order under *section 46*;

25 “maintenance creditor”, in relation to an order under this Part, or to proceedings arising out of the order, means the civil partner who applied for the order;

“maintenance debtor” means a person who is required by an order referred to in any of *paragraphs (a) to (e)* of the definition “antecedent order” to make payments;

30 “maintenance order” means an order under *section 44*;

“normal deduction rate” and “protected earnings rate” have the meanings respectively assigned to them in *section 50*;

“variation order” means an order under *section 45* varying a maintenance order.

35 (2) Subject to *section 56*, the relationship of employer and employee shall be regarded as subsisting between two persons if one of them as a principal and not as a servant or agent pays earnings to the other.

40 (3) References in this Part to a District Court clerk include references to his or her successor in the office of District Court clerk and to any person acting on his or her behalf.

45 **43.**—A periodical payment under an order under this Part shall commence on the date that is specified in the order, which may be before or after the date on which the order is made but not earlier than the date of the application for the order. Commencement of periodical payments.

44.—(1) Subject to *subsection (3)*, where it appears to the court, on application to it by a civil partner, that the other civil partner has failed to provide maintenance for the applicant that is proper in the circumstances, the court may make an order that the other civil partner make to the applicant periodical payments for the support of the applicant, for the period during the lifetime of the applicant, of the amount and at the times that the court may consider proper.

5

(2) The court shall not make a maintenance order for the support of an applicant where he or she has deserted and continues to desert the other civil partner unless, having regard to all the circumstances, including the conduct of the other civil partner, the court is of the opinion that it would be unjust in all the circumstances not to make a maintenance order.

10

(3) The court, in deciding whether to make a maintenance order and, if it decides to do so, in determining the amount of any payment, shall have regard to all the circumstances of the case including—

15

(a) the income, earning capacity, property and other financial resources of the civil partners, including income or benefits to which either civil partner is entitled by or under statute,

20

(b) the financial and other responsibilities of—

(i) the civil partners towards each other,

(ii) each civil partner as a parent towards any dependent children, and the needs of any dependent children, including the need for care and attention, and

25

(iii) each civil partner towards any former spouse or civil partner, and

(c) the conduct of each of the civil partners, if that conduct is such that, in the opinion of the court, it would in all the circumstances be unjust to disregard it.

30

45.—(1) The court may discharge a maintenance order at any time after one year from the time it is made, on the application of the maintenance debtor, where it appears to the court that, having regard to the maintenance debtor's record of payments pursuant to the order and to the other circumstances of the case, the maintenance creditor will not be prejudiced by the discharge.

35

(2) The court may discharge or vary a maintenance order at any time, on the application of either party, if it thinks it proper to do so having regard to any circumstances not existing when the order was made (including the conduct of each of the civil partners, if that conduct is conduct that the court believes is conduct that it would in all the circumstances be unjust to disregard), or, if it has been varied, when it was last varied, or to any evidence not available to that party when the maintenance order was made or, if it has been varied, when it was last varied.

40

45

(3) Notwithstanding *subsections (1) and (2)*, the court shall, on application to it, discharge the part of a maintenance order that provides for the support of a maintenance creditor where it appears to it that the maintenance creditor has deserted and continues to desert

the maintenance debtor unless, having regard to all the circumstances (including the conduct of the maintenance debtor) the court is of the opinion that it would be unjust to do so.

5 **46.**—On an application to the court for a maintenance order, the court, before deciding whether to make or refuse to make the order, may make an order for the payment to the applicant by the maintenance debtor, for a definite period specified in the order or until the application is adjudicated upon by the court, of a periodical sum that, in the opinion of the court, is proper, if it appears to the court proper to do so having regard to the needs of the applicant and the other circumstances of the case.

Interim order.

47.—(1) On application by one or both of the civil partners, the court may make an order under this section if it is satisfied that to do so would adequately protect the interests of the civil partners.

Orders in respect of certain agreements between civil partners.

15 (2) An order under this section may make a rule of court a provision in an agreement in writing entered into by the civil partners—

(a) by which one civil partner undertakes to make periodical payments towards the maintenance of the other civil partner, or

20 (b) governing the rights and liabilities of the civil partners towards one another in respect of the making or securing of payments (other than payments referred to in *paragraph (a)*) or the disposition or use of any property.

25 (3) An order under *subsection (2)(a)* is deemed to be a maintenance order for the purposes of *section 49, Part 6* and *section 138*.

48.—(1) On application to it by either of the civil partners in an application under *section 47*, the court may make an order directing the trustees of a pension scheme of which either or both of the civil partners are members not to regard the separation of the civil partners as a ground for disqualifying either of them for the receipt of a benefit under the scheme that would normally require that the civil partners be residing together at the time when the benefit becomes payable.

Preservation of pension entitlements.

35 (2) The applicant shall give notice of an application under *subsection (1)* to the trustees of the pension scheme and, in deciding whether to make an order under *subsection (1)*, the court shall have regard to any order made, or proposed to be made, by it in relation to the application by the civil partner or civil partners under *section 47* and any representations made by those trustees in relation to the matter.

45 (3) The court may determine the manner in which the costs incurred by the trustees under *subsection (2)* or in complying with an order under *subsection (1)* are to be borne, including by either of the civil partners or by both of them in the proportions that the court may determine.

(4) In this section, “pension scheme” has the meaning assigned to it by *section 107*.

49.—(1) Where the court makes a maintenance order, a variation order or an interim order, the court shall—

(a) direct that payments under the order be made to the District Court clerk, unless the maintenance creditor requests the court not to do so and the court considers that it would be proper not to do so, and 5

(b) in a case in which the court has not given a direction under *paragraph (a)*, direct, at any time after making the order and on the application of the maintenance creditor, that the payments be made to the District Court clerk. 10

(2) Where payments to the District Court clerk under this section are in arrear, the District Court clerk shall, if the maintenance creditor so requests in writing, take the steps that he or she considers reasonable in the circumstances to recover the sums in arrear whether by proceedings for an attachment of earnings order or otherwise. 15

(3) The court, on the application of the maintenance debtor and having afforded the maintenance creditor an opportunity to oppose the application, may discharge a direction under *subsection (1)*, if satisfied that, having regard to the record of the payments made to the District Court clerk and all the other circumstances, it would be proper to do so. 20

(4) The District Court clerk shall transmit any payments made by virtue of this section to the maintenance creditor.

(5) Nothing in this section affects any right of a person to take proceedings in his or her own name for the recovery of a sum payable, but not paid, to the District Court clerk by virtue of this section. 25

(6) References in this section to the District Court clerk are references to the District Court clerk in the District Court district that may be determined from time to time by the court concerned. 30

PART 6

ATTACHMENT OF EARNINGS

50.—(1) For the purposes of this Part—

“attachment of earnings order” means an order directing that an employer deduct from the maintenance debtor’s earnings, at the times specified in the order, periodical deductions of the appropriate amounts specified in the order, having regard to the normal deduction rate and the protected earnings rate; 35

“court” means—

(a) the High Court, in respect of an application under this Part made by a person on whose application the High Court has made an antecedent order, 40

(b) the relevant Circuit Court, in respect of an application under this Part made by a person on whose application that court has made an antecedent order, and 45

(c) the District Court, in respect of an application under this Part made by—

(i) a person on whose application the District Court has made an antecedent order, or

5 (ii) a District Court clerk to whom payments are required to be made under an antecedent order;

“employer” includes a trustee of a pension scheme under which the maintenance debtor is receiving periodical pension benefits;

10 “normal deduction rate” means the rate at which the court considers it reasonable that the earnings to which the attachment of earnings order relates should be applied in satisfying the antecedent order, not exceeding the rate that appears to the court to be necessary for—

(a) securing payment of the sums falling due from time to time under the antecedent order, and

15 (b) securing payment within a reasonable period of any sums already due and unpaid under the antecedent order and any costs incurred in proceedings relating to the antecedent order payable by the maintenance debtor;

20 “protected earnings rate” means the rate below which, having regard to the needs of the maintenance debtor, the court considers it proper that the relevant earnings should not be reduced by a payment made in pursuance of the attachment of earnings order.

(2) The court may, on application to it on that behalf, make an attachment of earnings order if it is satisfied that the maintenance debtor is a person to whom earnings fall to be paid and that the order is desirable to secure payments under an antecedent order and any amendments, variations and affirmations of it.

30 (3) The court that makes an antecedent order, or an order that makes, varies or affirms on appeal an antecedent order, shall make an attachment of earnings order in the same proceedings if it is satisfied of the things mentioned in *subsection (2)*.

(4) A person to whom an attachment of earnings order is directed shall pay the amounts ordered to be deducted—

35 (a) in the case of a relevant antecedent order that is an enforceable maintenance order, to the District Court clerk specified in the order for transmission to the maintenance creditor, and

40 (b) in any other case, as specified in the order, to the maintenance creditor or to the District Court clerk specified in the order for transmission to the maintenance creditor.

(5) Before deciding whether to make or refuse to make an attachment of earnings order, the court shall give the maintenance debtor an opportunity to make representations, and shall have regard to any representations made, relating to whether the maintenance debtor—

45 (a) is a person to whom earnings fall to be paid, and

(b) would make the payments to which the relevant order relates.

(6) The court shall include in an attachment of earnings order the particulars required so that the person to whom the order is directed may identify the maintenance debtor.

(7) Payments under an attachment of earnings order are in lieu of payments of the like amount under the antecedent order that have not been made and that, but for the attachment of earnings order, would fall to be made under the antecedent order. 5

Compliance with attachment of earnings order.

51.—(1) The court registrar or court clerk specified in the attachment of earnings order shall cause the order to be served on the person to whom it is directed and on any person who subsequently becomes the maintenance debtor’s employer and of whom the registrar or clerk becomes aware. 10

(2) The service may be effected by leaving the order or a copy of it at the person’s residence or place of business in the State, or by sending the order or a copy of it, by registered prepaid post, to that residence or place of business. 15

(3) A person to whom an attachment of earnings order is directed shall comply with it if it is served on him or her but is not liable for non-compliance before 10 days have elapsed since the service.

(4) If a person to whom an attachment of earnings order is directed is not the maintenance debtor’s employer or ceases to be the maintenance debtor’s employer, the person shall, within 10 days from the date of service or the date of cesser, give notice of that fact to the court. 20

(5) The person shall give to the maintenance debtor a statement in writing of the total amount of every deduction made from a maintenance debtor’s earnings in compliance with an attachment of earnings order. 25

Application of sums received by District Court clerk.

52.—Payments made to a District Court clerk under an attachment of earnings order shall, when transmitted by the clerk to the maintenance creditor, be deemed to be payments made by the maintenance debtor so as to discharge— 30

(a) firstly, any sums payable under the antecedent order, and

(b) secondly, any costs in proceedings relating to the antecedent order payable by the maintenance debtor when the attachment of earnings order was made or last varied. 35

Statement as to earnings.

53.—(1) In relation to an attachment of earnings order or an application for one, the court may, before or at the hearing or while the order is in force, order—

(a) the maintenance debtor to give to the court, within a specified period, a signed statement in writing specifying— 40

(i) the name and address of every employer of the maintenance debtor,

(ii) particulars as to the maintenance debtor’s earnings and expected earnings, and resources and needs, and 45

(iii) particulars for enabling the employers to identify the maintenance debtor,

5 (b) a person appearing to the court to be an employer of the maintenance debtor to give to the court, within a specified period, a statement signed by the person, or on his or her behalf, of specified particulars of the maintenance debtor's earnings and expected earnings.

10 (2) Notice of an application for an attachment of earnings order served on a maintenance debtor may include a requirement that the maintenance debtor give to the court, within the period and in the manner specified in the notice, a statement in writing of the matters referred to in *subsection (1)(a)* and of any other matters which are or may be relevant to the determination of the normal deduction rate and the protected earnings rate to be specified in the order.

15 (3) In any proceedings in relation to an attachment of earnings order, a statement given to the court in compliance with an order under *paragraph (a)* or *(b)* of *subsection (1)* or with a requirement under *subsection (2)* is admissible as evidence of the facts stated in it and a document purporting to be such a statement is deemed, 20 unless the contrary is shown, to be a statement so given.

54.—Where an attachment of earnings order is in force—

Notification of changes of employment and earnings.

25 (a) the maintenance debtor shall notify in writing the court that made the order of every occasion on which he or she leaves employment, or becomes employed or re-employed, not later than 10 days after doing so,

(b) the maintenance debtor shall, on any occasion on which he or she becomes employed or re-employed, include in the notification particulars of his or her earnings and expected earnings, and

30 (c) any person who becomes an employer of the maintenance debtor and who knows that the order is in force and by which court it was made shall, within 10 days of the later of the date of becoming an employer of the maintenance debtor and the date of acquiring the knowledge, notify the court in writing that he or she has become such an employer, and include in the notification a statement of 35 the debtor's earnings and expected earnings.

40 **55.—(1)** Where an attachment of earnings order is in force, the court that made the order shall, on the application of the maintenance debtor's employer, the maintenance debtor or the person to whom payments are being made under the order, determine whether payments or portions of payments being made to the maintenance debtor that are of a class or description specified in the application are earnings for the purpose of the order.

Power to determine whether particular payments are earnings.

45 (2) Where an application is made by the employer under *subsection (1)*, the employer is not liable for non-compliance with the order as respects any payments or portions of payments of the class or description specified by the application that he or she makes while the application, a determination in relation to it or an appeal from 50 the determination is pending.

(3) *Subsection (2)* does not apply if the employer subsequently withdraws the application or abandons the appeal.

Persons in service of State, local authority, etc.

56.—(1) This section applies when a maintenance debtor is in the service of the State, a local authority within the meaning of the Local Government Act 1941, a harbour authority within the meaning of the Harbours Acts 1946 to 2005, the Health Service Executive, a vocational education committee established by the Vocational Education Act 1930, a committee of agriculture established by the Agriculture Act 1931, or another body if his or her earnings are paid directly out of moneys paid by the Oireachtas or from the Central Fund, or is a member of either House of the Oireachtas. 5 10

(2) For the purposes of this Part, the following officers are regarded as being the employers of the maintenance debtor and the earnings paid to the maintenance debtor out of the Central Fund or out of moneys provided by the Oireachtas are regarded as having been paid by them: 15

(a) in the case where the maintenance debtor is employed in a department, office, organisation, service, undertaking or other body, its chief officer, or any other officer that may be designated from time to time by the Minister of the Government by whom that body is administered; 20

(b) in the case where the maintenance debtor is in the service of an authority or body, its chief officer; and

(c) in any other case, where the maintenance debtor is paid out of the Central Fund or out of moneys provided by the Oireachtas, the Secretary of the Department of Finance or any other officer that may be designated from time to time by the Minister for Finance. 25

(3) A question that arises in proceedings for or arising out of an attachment of earnings order as to which body employs a maintenance debtor may be referred to and determined by the Minister for Finance, but he or she is not obliged to consider the reference unless it is made by the court. 30

(4) A document purporting to contain a determination by the Minister for Finance under *subsection (3)* and to be signed by an officer of that Minister shall, in any proceedings mentioned in that subsection, be admissible in evidence and be deemed, unless the contrary is shown, to contain an accurate statement of that determination. 35

Discharge, variation and lapse of attachment of earnings order.

57.—(1) The court that made an attachment of earnings order may, if it thinks fit, on the application of the maintenance creditor, the maintenance debtor or the District Court clerk on whose application the order was made, make an order discharging or varying that order. 40

(2) The employer on whom an order varying an attachment of earnings order is served shall comply with it but is not liable for non-compliance before 10 days have elapsed since the service. 45

(3) If an employer affected by an attachment of earnings order ceases to be the maintenance debtor's employer, the order lapses insofar as that employer is concerned, except as respects deductions from earnings paid by the employer after the cesser and payment to 50

the maintenance creditor of deductions from earnings made at any time by that employer.

(4) The lapse of an order under *subsection (3)* does not prevent its remaining in force for other purposes.

5 **58.**—(1) An attachment of earnings order ceases to have effect upon the discharge of the relevant antecedent order, except as regards payments under the attachment of earnings order in respect of any time before the date of the discharge. Cesser of attachment of earnings order.

10 (2) The clerk or registrar of the court that made the attachment of earnings order shall give notice of a cesser to the employer.

15 **59.**—(1) Where an attachment of earnings order has been made, any proceedings commenced under section 8(1) of the Enforcement of Court Orders Act 1940 for the enforcement of the relevant antecedent order lapses and any warrant or order issued or made under that subsection ceases to have effect. Other remedies.

(2) An attachment of earnings order ceases to have effect on the making of an order under section 8(1) of the Enforcement of Court Orders Act 1940 for the enforcement of the relevant antecedent order.

20 **60.**—(1) A maintenance creditor who fails to obtain a sum of money due under an attachment of earnings order, or the District Court clerk to whom the sum falls to be paid, may sue for the sum as a simple contract debt in any court of competent jurisdiction, if the failure to obtain the sum is caused by— Enforcement.

25 (a) a person failing, without reasonable excuse, to comply with *section 51(3)* or *(4)*, or *54*, or an order under *section 53* or *57(2)*, or

30 (b) a person, without reasonable excuse, giving a false or misleading statement under *section 53(1)* or notification under *section 54*.

35 (2) A person who gives to a court a statement pursuant to *section 53* or a notification under *section 54* that he or she knows to be false or misleading commits an offence and is liable on summary conviction to a fine not exceeding €254 or to imprisonment for a term not exceeding six months or to both.

(3) A person who contravenes *section 51(5)* commits an offence and is liable on summary conviction to a fine not exceeding €63.

PART 7

MISCELLANEOUS PROVISIONS RELATING TO *Parts 5* and *6*

40 **61.**—A periodical payment of money pursuant to a maintenance order, a variation order, an interim order, an order under *section 47* (insofar as it is deemed to be a maintenance order) or an attachment of earnings order shall be made without deduction of income tax. Payments without deduction of income tax.

Amendment of the Enforcement of Court Orders Act 1940.

62.—The references in sections 8(1) and (7) of the Enforcement of Court Orders Act 1940 (as amended by section 29 of the Family Law (Maintenance of Spouses and Children) Act 1976, section 22 of the Family Law Act 1995 and section 30 of the Family Law (Divorce) Act 1996) to an order shall be construed as including references to an antecedent order. 5

Property in household allowance.

63.—An allowance made by one civil partner to the other for the purpose of meeting household expenses, and any property or interest in property that was acquired out of the allowance, belong to the civil partners as joint owners, in the absence of any express or implied agreement between them to the contrary. 10

Voidance of certain provisions of agreements.

64.—An agreement between civil partners is void to the extent to which it would have the effect of excluding or limiting the operation of any provision in *Part 5* or *Part 6*.

PART 8

15

SUCCESSION

Interpretation.

65.—In this Part, “Act of 1965” means the Succession Act 1965.

Amendment of section 3 of Act of 1965.

66.—Section 3(1) of the Act of 1965 is amended—

(a) by inserting the following definition:

“ ‘civil partner’ has the meaning assigned to it by the *Civil Partnership Act 2009*;”, and 20

(b) by substituting the following for the definition of “legal right”:

“ ‘legal right’ means—

(a) the right of a spouse under section 111 to a share in the estate of a deceased person, and 25

(b) the right of a civil partner under section 111A to a share in the estate of a deceased person;”.

Amendment of section 56 of Act of 1965.

67.—Section 56 of the Act of 1965 is amended—

(a) by inserting “or civil partner” after “spouse” wherever it appears, and 30

(b) in subsections (9), (10) and (12) by replacing “the spouse’s” with “his or her” wherever it appears.

Amendment of section 58 of Act of 1965.

68.—Section 58(6) of the Act of 1965 is amended by inserting “or civil partner” after “spouse”. 35

69.—Section 67 of the Act of 1965 is amended—

Amendment of section 67 of Act of 1965.

(a) in subsection 2(b), by substituting “section 67B(2)” for “subsection (4)”, and

(b) by repealing subsections (3) and (4).

5 **70.**—The Act of 1965 is amended by inserting the following after section 67:

Insertion of new sections in Act of 1965.

“Shares of surviving civil partner and issue.

67A.—(1) If an intestate dies leaving a civil partner and no issue, the civil partner shall take the whole estate.

10 (2) If an intestate dies leaving a civil partner and issue—

(a) subject to subsections (3) to (7), the civil partner shall take two-thirds of the estate; and

15 (b) the remainder shall be distributed among the issue in accordance with section 67B(2).

20 (3) The court may, on the application of one of the issue of an intestate who dies leaving a civil partner and issue, order that provision be made for that issue out of the intestate’s estate only if the court is of the opinion that it would be unjust not to make the order, after considering all the circumstances, including—

25 (a) the extent to which the intestate has made provision for that issue during the intestate’s lifetime,

(b) the age and reasonable financial requirements of that issue,

30 (c) the intestate’s financial situation, and

(d) the intestate’s obligations to the civil partner.

(4) The court, in ordering provision of an amount under subsection (3) shall ensure that—

35 (a) the amount to which any issue of the intestate is entitled shall not be less than that to which he or she would have been entitled had no such order been made, and

40 (b) the amount provided shall not be greater than the amount to which the applicant would have been entitled had the intestate died leaving neither spouse nor civil partner.

(5) Rules of court shall provide for the conduct of proceedings under this section in a summary manner.

(6) The costs in the proceedings shall be at the discretion of the court. 5

(7) An order under this section shall not be made except on an application made within 6 months from the first taking out of representation of the deceased's estate.

Share of issue where no surviving spouse or surviving civil partner. 67B.—(1) If an intestate dies leaving issue and no spouse or civil partner, the estate shall be distributed among the issue in accordance with subsection (2). 10

(2) If all the issue are in equal degree of relationship to the deceased the distribution shall be in equal shares among them; if they are not, it shall be *per stirpes*.”. 15

Amendment of section 68 of Act of 1965. 71.—Section 68 of the Act of 1965 is amended by inserting “nor civil partner” after “spouse”.

Amendment of section 69 of Act of 1965. 72.—Section 69 of the Act of 1965 is amended by inserting “nor civil partner” after “spouse” wherever it appears. 20

Amendment of section 70 of Act of 1965. 73.—Section 70 of the Act of 1965 is amended by inserting “nor civil partner” after “spouse”.

Amendment of section 82 of Act of 1965. 74.—Section 82(1) of the Act of 1965 is amended by inserting “or civil partner” after “spouse” wherever it appears. 25

Amendment of section 83 of Act of 1965. 75.—Section 83 of the Act of 1965 is amended by inserting “or civil partner” after “spouse”.

Amendment of section 85 of Act of 1965. 76.—Section 85(1) of the Act of 1965 is amended by inserting “or entry into a civil partnership” after “marriage” wherever it appears.

Amendment of section 109 of Act of 1965. 77.—Section 109(1) of the Act of 1965 is amended by inserting “or civil partner” after “spouse” wherever it appears. 30

Insertion of section 111A in Act of 1965. 78.—The Act of 1965 is amended by inserting the following section after section 111:

“Right of surviving civil partner. 111A.—(1) If the testator leaves a civil partner and no children, the civil partner shall have a right to one-half of the estate. 35

(2) Subject to section 117(3A), if the testator leaves a civil partner and children, the civil partner shall have a right to one-third of the estate.”.

	<p>79.—Section 112 of the Act of 1965 is amended by inserting “or the right of a civil partner under section 111A” after “section 111”.</p>	<p>Amendment of section 112 of Act of 1965.</p>
	<p>80.—The Act of 1965 is amended by inserting the following section after section 113:</p>	<p>Insertion of section 113A in Act of 1965.</p>
<p>5 10</p>	<p>“Renunciation of legal right. 113A.—The legal right of a civil partner may be renounced in an ante-civil-partnership-registration contract made in writing between the parties to an intended civil partnership or may be renounced in writing by the civil partner after registration and during the lifetime of the testator.”.</p>	
	<p>81.—Section 114 of the Act of 1965 is amended by inserting “or civil partner” after “spouse” wherever it appears.</p>	<p>Amendment of section 114 of Act of 1965.</p>
<p>15</p>	<p>82.—Section 115 of the Act of 1965 is amended—</p> <p>(a) by inserting “or civil partner” after “spouse” wherever it appears, and</p>	<p>Amendment of section 115 of Act of 1965.</p>
	<p>(b) in subsection (5), by inserting “or civil partner’s” after “spouse’s”.</p>	
	<p>83.—Section 117 of the Act of 1965 is amended by inserting the following subsection after subsection (3):</p>	<p>Amendment of section 117 of Act of 1965.</p>
<p>20 25</p>	<p>“(3A) An order under this section shall not affect the legal right of a surviving civil partner unless the court, after consideration of all the circumstances, including the testator’s financial circumstances and his or her obligations to the surviving civil partner, is of the opinion that it would be unjust not to make the order.”.</p>	
	<p>84.—Section 120 of the Act of 1965 is amended—</p>	<p>Amendment of section 120 of Act of 1965.</p>
<p>30</p>	<p>(a) by inserting the following subsection after subsection (2):</p> <p>“(2A) A deceased’s civil partner who has deserted the deceased is precluded from taking any share in the deceased’s estate as a legal right or on intestacy if the desertion continued up to the death for two years or more.”,</p>	
<p>35</p>	<p>(b) by inserting the following subsection after subsection (3):</p> <p>“(3A) A civil partner who was guilty of conduct which justified the deceased in separating and living apart from him or her is deemed to be guilty of desertion within the meaning of subsection (2A).”,</p>	
	<p>(c) in subsection (4), by inserting “or civil partner” after “spouse”.</p>	
<p>40</p>	<p>85.—Section 121 of the Act of 1965 is amended in subsections (2), (5) and (7) by inserting “or civil partner” after “spouse” wherever it appears.</p>	<p>Amendment of section 121 of Act of 1965.</p>

Amendment of section 45 of Statute of Limitations, 1957.

86.—Section 45(1) of the Statute of Limitations, 1957, as inserted by the Succession Act 1965, is amended by inserting “or section 111A” after “section 111”.

PART 9

DOMESTIC VIOLENCE

5

Interpretation.

87.—In this Part, “Act of 1996” means the Domestic Violence Act 1996.

Amendment of section 1 of Act of 1996.

88.—Section 1(1) of the Act of 1996 is amended by inserting the following definitions:

“ ‘*Act of 2009*’ means the *Civil Partnership Act 2009*; 10

‘civil partner’ has the meaning assigned to it by the Act of 2009 and includes a person who was a civil partner in a partnership that has been dissolved under that Act;”.

Amendment of definition of “the applicant” in section 2 of Act of 1996.

89.—The definition “the applicant” in section 2(1)(a) of the Act of 1996 is amended by inserting the following subparagraph after 15 subparagraph (i):

“(ia) is the civil partner of the respondent, or a person who was a party to a civil partnership with the respondent that has been dissolved under the *Act of 2009*, or”. 20

Amendment of section 3 of Act of 1996.

90.—Section 3(1) of the Act of 1996 is amended by inserting the following paragraph after paragraph (a):

“(aa) is the civil partner of the respondent, or a person who was a party to a civil partnership with the respondent that has been dissolved under the *Act of 2009*, or”. 25

Insertion of section 8A of Act of 1996.

91.—The Act of 1996 is amended by inserting the following section after section 8:

“Application of orders restricting disposal or removal of household chattels. 8A.—(1) *Section 34(2)* (which restricts the right of a civil partner to dispose of or remove household chattels) of the *Act of 2009* shall apply 30 between the making of an application against the civil partner of the applicant for a barring order or a safety order and its determination, and if an order is made, while the order is in force, as it applies between the institution and final determi- 35 nation of dissolution proceedings to which that section relates.

(2) A court which is empowered under *section 34(2)(b)* of the *Act of 2009* to grant permission for any disposition or removal of household chattels 40 within the meaning of that section is, notwithstanding anything in *section 138* of that Act, the court before which the proceedings (including any proceedings for a barring order or a safety order) have been instituted.”. 45

92.—Section 9(2) of the Act of 1996 is amended by inserting the following paragraph after paragraph (c):

Amendment of section 9 of Act of 1996.

“(cc) an order under *section 30, 34 or 44 of the Act of 2009*.”

5 93.—Section 13(2) of the Act of 1996 is amended by inserting “or any annulment or dissolution proceedings under the *Act of 2009*,” after “matrimonial cause or matter”.

Amendment of section 13 of Act of 1996.

PART 10

MISCELLANEOUS CONSEQUENCES OF CIVIL PARTNERSHIP REGISTRATION

10 94.—(1) For the purposes of determining matters concerning ethics and conflicts of interests under any rule of law or enactment—

Ethics and conflict of interests.

15 (a) with respect to a person, a reference to a “connected person” or a “connected relative” of that person shall be construed as including the person’s civil partner and the child of the person’s civil partner who is ordinarily resident with the person and the civil partner, and

(b) a declaration that must be made in relation to a spouse of a person shall also be made in relation to a civil partner of a person.

20 (2) Without limiting the generality of *subsection (1)*, the Acts specified in *Part 1 of the Schedule* are amended as indicated in that *Schedule*.

95.—(1) In this section, “Act of 2001” means the Mental Health Act 2001.

Amendment of Mental Health Act 2001.

25 (2) Section 2(1) of the Act of 2001 is amended by inserting the following definition:

“ ‘civil partner’ means a civil partner within the meaning of the *Civil Partnership Act 2009*.”

(3) Section 9 of the Act of 2001 is amended—

30 (a) in paragraph (1)(a), by inserting “or civil partner” after “spouse”,

(b) in paragraphs (2)(b) and (f), by inserting “or civil partner” after “spouse”, and

(c) in subsection (8), by inserting the following definition:

35 “ ‘civil partner’ in relation to a person, does not include a civil partner of the person who is living separately and apart from the person or in respect of whom an application or order has been made under the Domestic Violence Acts 1996 and 2002 as amended by the *Civil Partnership Act 2009*.”

40

(4) Section 10(3)(c) of the Act of 2001 is amended by inserting “, a civil partner” after “spouse”.

(5) Section 14(3)(a) of the Act of 2001 is amended by inserting “, a civil partner” after “spouse”.

(6) Section 24(1) of the Act of 2001 is amended by inserting “, 5 civil partner” after “spouse”.

Pensions.

96.—(1) A benefit under a pension scheme that is provided for the spouse of a person is deemed to provide equally for the civil partner of a person.

(2) Without limiting the generality of *subsection (1)*, the Acts 10 specified in *Part 2* of the *Schedule* are amended as indicated in that *Schedule*.

(3) In this section “pension scheme” has the meaning assigned to it by *section 107*.

Application of Pensions Act 1990.

97.—Section 5(4) (as amended by the Pensions (Amendment) Act 15 1996 and the Family Law (Divorce) Act 1996) of the Pensions Act 1990 applies and has effect in relation to *sections 119 to 124* as it applies and has effect by virtue of section 47 of the Family Law (Divorce) Act 1996 in relation to section 17 of that Act, with the following modifications: 20

(a) a reference to section 12 of the Family Law Act 1995 or section 17 of the Family Law (Divorce) Act 1996 is to be construed as a reference to *sections 119 to 124*;

(b) the reference in paragraph (c) to the Family Law Act 1995 or the Family Law (Divorce) Act 1996 is to be construed 25 as a reference to the *Civil Partnership Act 2009*;

(c) the references to subsections (1), (2), (3), (5), (6), (7), (8), (10) and (25) of section 12 of the Family Law Act 1995 and section 17 of the Family Law (Divorce) Act 1996 are to be construed as references to *sections 119(1), (2) and 30 (5), 121(1), (2), (3), (4), (5) and (7) and 124(2)* of the *Civil Partnership Act 2009*, respectively; and

(d) the reference to section 2 of the Family Law Act 1995 or of the Family Law (Divorce) Act 1996 is to be construed 35 as a reference to *section 107*.

Amendment of the Pensions Act 1990.

98.—The Pensions Act 1990 is amended—

(a) in section 10(4) by substituting the following paragraph for paragraph (cc) (as inserted by the Pensions (Amendment) Act 1996):

“(cc) to issue guidelines or guidance notes generally 40 on the operation of this Act and on the provisions of the Family Law Act 1995, the Family Law (Divorce) Act 1996 and the *Civil Partnership Act 2009* relating to pension schemes within the meaning of section 2 of the Family 45 Law Act 1995, section 2 of the Family Law

5 (b) in section 65 (1) (substituted by section 22(1) of the Social Welfare (Miscellaneous Provisions) Act 2004), by deleting the definition of “marital status” and inserting the following definition:

“ ‘civil status’ means civil status within the meaning of the Civil Registration Act 2004 as amended by the *Civil Partnership Act 2009*;

10 (c) in section 66(2)(a)(ii) (substituted by section 22(1) of the Social Welfare (Miscellaneous Provisions) Act 2004) by substituting “civil status” for “marital status” in subparagraph (a)(ii),

15 (d) in section 66(2)(b) (substituted by section 22(1) of the Social Welfare (Miscellaneous Provisions) Act 2004) by substituting “civil status” for “marital status” wherever it appears,

20 (e) in section 72 (substituted by section 22(1) of the Social Welfare (Miscellaneous Provisions) Act 2004) by substituting “civil status” for “marital status” wherever it appears, and

(f) in section 75(1) (substituted by section 22(1) of the Social Welfare (Miscellaneous Provisions) Act 2004) by substituting “civil status” for “marital status”.

25 **99.**—Section 1 of the Criminal Damage Act 1991 (as amended by the Family Law (Divorce) Act 1996) is amended by inserting the following subsection after subsection (3): Amendment of Criminal Damage Act 1991.

30 “(3A) A reference to any property belonging to another, however expressed, shall be construed as a reference to a shared home as respects an offence under section 2, 3(a) or 4(a) if—

35 (a) the property is either a shared home or a dwelling, within the meaning of *section 27* of the *Civil Partnership Act 2009*, in which a person who was a civil partner in a civil partnership that has been dissolved under that Act ordinarily resided with his or her former civil partner before the dissolution, and

(b) the person charged—

40 (i) is the civil partner, or was the civil partner until the dissolution of their civil partnership, of a person who resides, or is entitled to reside, in the home, and

45 (ii) is the subject of a protection order or barring order or is excluded from the home pursuant to an order under the Domestic Violence Act 1996 as amended by *Part 9* of the *Civil Partnership Act 2009* or another order of a court.”

100.—(1) In this section, “Act of 1998” means the Employment Equality Act 1998.

(2) Section 2(1) of the Act of 1998 is amended—

(a) by inserting the following definition:

“ ‘civil status’ means being single, married, separated, divorced, widowed, in a civil partnership within the meaning of the *Civil Partnership Act 2009* or being a former civil partner in a civil partnership that has ended by death or been dissolved;”;

(b) by deleting the definition “marital status”; and

(c) by inserting, in paragraphs (a) and (b) of the definition “member of the family”, “or civil partner within the meaning of the *Civil Partnership Act 2009*” after “spouse” wherever it appears.

(3) The Act of 1998 is amended by substituting “civil status” for “marital status” wherever it appears.

101.—(1) In this section, “Act of 2000” means the Equal Status Act 2000.

(2) Section 2(1) of the Act of 2000 is amended—

(a) by inserting the following definition:

“ ‘civil status’ means being single, married, separated, divorced, widowed, in a civil partnership within the meaning of the *Civil Partnership Act 2009* or being a former civil partner in a civil partnership that has ended by death or been dissolved;”;

(b) by deleting the definition “marital status”, and

(c) by inserting, in the definition “near relative”, “or civil partner within the meaning of the *Civil Partnership Act 2009*” after “spouse”.

(3) The Act of 2000 is amended by substituting “civil status” for “marital status” wherever it appears.

102.—(1) In this section, “Act of 1996” means the Powers of Attorney Act 1996.

(2) Section 5 of the Act of 1996 is amended—

(a) by inserting, in subsection (4)(b), “or civil partner within the meaning of the *Civil Partnership Act 2009*” after “spouse”, and

(b) by inserting the following subsection after subsection (7):

“(7A) An enduring power in favour of a civil partner within the meaning of the *Civil Partnership Act 2009* shall, unless the power provides otherwise, be invalidated or, as the case may be, cease to be in force if subsequently—

(a) a decree of nullity or a decree of dissolution of the civil partnership is granted or recognised under the law of the State,

5

(b) a written agreement to separate is entered into between the civil partners, or

(c) a protection order, interim barring order, barring order or safety order is made against the attorney on the application of the donor, or *vice versa*.”.

10 (3) Section 6(7)(b)(iii)(II) of the Act of 1996 is amended by inserting “or civil partner within the meaning of the *Civil Partnership Act 2009*” after “spouse”.

(4) The First Schedule to the Act of 1996 is amended by inserting the following paragraph after paragraph 3(1)(a):

15 “(aa) the donor’s civil partner, within the meaning of the *Civil Partnership Act 2009*”.

(5) Part I of the Second Schedule to the Act of 1996 is amended by inserting the following paragraph after paragraph 2A (inserted by the Family Law (Divorce) Act 1996):

20 “2B. The expiry of an enduring power of attorney effected in the circumstances mentioned in section 5(7A) shall apply only so far as it relates to an attorney who is the civil partner of the donor.”.

25 (6) Part II of the Second Schedule to the Act of 1996 is amended by inserting the following paragraph after paragraph 3:

“4. The expiry of an enduring power of attorney effected in the circumstances mentioned in section 5(7A) shall apply only so far as it relates to an attorney who is the civil partner of the donor.”.

30 **103.**—Paragraph (a) of the definition “dependant” in section 47(1) (as amended by section 1(1) of the Civil Liability (Amendment) Act 1996) of the Civil Liability Act 1961 is amended by inserting “, civil partner within the meaning of the *Civil Partnership Act 2009*” after “spouse”. Amendment of Civil Liability Act 1961.

35 **104.**—(1) Either civil partner may apply to the court in a summary manner to determine a question arising between them as to the title to or possession of property. Determination of questions between civil partners in relation to property.

(2) The court may, on application to it under *subsection (1)*—

40 (a) make the order it considers proper with respect to the property in dispute (including an order that the property be sold or partitioned), and as to the costs consequent on the application, and

(b) direct the inquiries, and give the other directions, it considers proper in relation to the application.

45 (3) A civil partner or a child of a deceased person who was a civil partner before death may make an application under *subsection (1)*

when he or she is of the view that the conditions specified in *subsection (4)* are present.

(4) The conditions for an application under *subsection (3)* are:

(a) the applicant claims that the other civil partner has possessed or controlled— 5

(i) money to which, or a share of which, the applicant was beneficially entitled whether because it represented the proceeds of sale of property to which, or to an interest in which, the applicant was beneficially entitled or for any other reason, or 10

(ii) property other than money to which, or to an interest in which, the applicant was beneficially entitled;

and

(b) the money or the property has ceased to be in the possession or under the control of the other civil partner or the applicant does not know whether it is still in the possession or under the control of the other civil partner. 15

(5) If the court is satisfied on an application under *subsections (1)* and *(3)* of the matters specified in *subsection (6)*, the court may make an order under *subsection (2)* in relation to the application and may, in addition to or in lieu of that order, make an order requiring the other civil partner to pay to the applicant— 20

(a) a sum in respect of the money to which the application relates, or the applicant's proper share of it, or

(b) a sum in respect of the value of the property other than money, or the applicant's proper share of it. 25

(6) For the purposes of *subsection (5)*, the court must be satisfied that—

(a) the other civil partner possesses or controls, or has possessed or controlled, money or other property referred to in *subsection (4)(a)(i)* or *(ii)*, and 30

(b) the other civil partner has not made to the applicant a payment or disposition other than a testamentary disposition that would have been appropriate in the circumstances. 35

(7) A person (other than the applicant or the other civil partner) who is a party to proceedings under this section shall be treated as a stakeholder only, for the purposes of costs or any other matter.

(8) In this section, references to a civil partner include references to— 40

(a) a personal representative of a deceased civil partner, and

(b) either of the parties to a void civil partnership, whether or not it has been the subject of a decree of nullity granted under *section 105*.

PART 11

NULLITY OF CIVIL PARTNERSHIP

5 **105.**—On application to it in that behalf by either of the civil partners or by another person who, in the opinion of the court, has sufficient standing in the matter, the court may grant a decree of nullity if satisfied that at the time the civil partners registered in a civil partnership—

Grant of decree of nullity.

- (a) either or both of the parties lacked the capacity to become the civil partner of the other for any reason, including—
 - 10 (i) either or both of the parties was under the age of eighteen years,
 - (ii) either or both of the parties was already a party to a valid marriage, and
 - 15 (iii) either or both of the parties was already registered in a relationship with another person which was entitled to be recognised as a civil partnership in the State in accordance with *section 5* and which had not been dissolved,
- 20 (b) the formalities for the registration of the civil partnership were not observed,
- (c) either or both of the parties did not give free and informed consent to the civil partnership registration for any reason, including—
 - 25 (i) the consent was given under duress,
 - (ii) the consent was given under undue influence,
 - (iii) the party or parties did not intend, at the time of the registration, to accept the other as a civil partner in accordance with the law, and
 - 30 (iv) either or both of the parties was unable to give informed consent, as attested by a consultant psychiatrist within the meaning of section 2(1) of the Mental Health Act 2001,
- 35 (d) the parties were within the prohibited degrees of relationship within the meaning of the Third Schedule to the Civil Registration Act 2004 (as inserted by *section 26* of this Act), or
- (e) the parties were not of the same sex.

40 **106.**—(1) Where the court grants a decree of nullity, the civil partnership is declared not to have existed and either civil partner may register in a new civil partnership or marry.

Effect of decree of nullity.

(2) The rights of a person who relied on the existence of a civil partnership which is subsequently the subject of a decree of nullity are not prejudiced by that decree.

PART 12

DISSOLUTION OF CIVIL PARTNERSHIP

Definitions, etc.

107.—(1) In this Part—

“court” shall be construed in accordance with *section 138*;

“decree of dissolution” means a decree under *section 108*; 5

“decree of nullity” means a decree granted by a court under *section 105* declaring a civil partnership to be void;

“financial compensation order” means an order under *section 118*;

“lump sum order” means an order under *section 115(1)(c)*;

“maintenance pending suit order” means an order under *section 114*; 10

“member” in relation to a pension scheme, means a person who, having been admitted to membership of the scheme under its rules, remains entitled to any benefit under the scheme;

“pension adjustment order” means an order under *sections 119 to 124*; 15

“pension scheme” means—

- (a) an occupational pension scheme within the meaning of the Pensions Act 1990,
- (b) an annuity contract approved by the Revenue Commissioners under section 784 of the Taxes Consolidation Act 1997, or a contract so approved under section 785 of that Act, 20
- (c) a trust scheme, or part of a trust scheme, approved under section 784(4) or 785(5) of the Taxes Consolidation Act 1997, 25
- (d) a policy or contract of assurance approved by the Revenue Commissioners under Chapter 1 of Part 30 of the Taxes Consolidation Act 1997, or
- (e) another scheme or arrangement, including a personal pension plan and a scheme or arrangement established by or 30 pursuant to statute or instrument made under statute other than under the Social Welfare Acts, that provides or is intended to provide either or both of the following:
 - (i) benefits for a person who is a member of the scheme 35 or arrangement upon retirement at normal pensionable age or upon earlier or later retirement or upon leaving or upon the ceasing of the relevant employment, and
 - (ii) benefits for the widow, widower or dependants of the 40 person referred to in *subparagraph (i)*, for his or her civil partner or the person that was his or her civil partner until the death of the person referred to in *subparagraph (i)* or for any other persons, on the death of that person;

“periodical payments order” means an order under *section 115(1)(a)*;

“property adjustment order” means an order under *section 116*;

“secured periodical payments order” means an order under *section 115(1)(b)*;

5 “shared home” has the meaning assigned to it in *Part 4*, with the modification that the references to a civil partner in that Part shall be construed as references to a civil partner within the meaning of this Part;

10 “trustees”, in relation to a scheme that is established under a trust, means the trustees of the scheme and, in relation to a pension scheme not established under a trust, means the persons who administer the scheme.

(2) In this Part, where the context so requires—

15 (a) a reference to a civil partnership includes a reference to a civil partnership that has been dissolved under this Part,

(b) a reference to a registration in a new civil partnership includes a reference to a registration in a civil partnership that takes place after a civil partnership that has been dissolved under this Part, and

20 (c) a reference to a civil partner includes a reference to a person who was a civil partner in a civil partnership that has been dissolved under this Part.

25 **108.**—Subject to the provisions of this Part, the court may, on application to it in that behalf by either of the civil partners, grant a decree of dissolution in respect of a civil partnership if it is satisfied that—

Grant of decree of dissolution.

30 (a) at the date of the institution of the proceedings, the civil partners have lived apart from one another for a period of, or periods amounting to, at least two years during the previous three years, and

(b) provision that the court considers proper having regard to the circumstances exists or will be made for the civil partners.

35 **109.**—(1) The court may adjourn or further adjourn proceedings under *section 108* at any time for the purpose of enabling the civil partners to attempt, if they both so wish, with or without the assistance of a third party—

Adjournment of proceedings to assist reconciliation, mediation or agreements on terms of dissolution.

(a) to reconcile, or

40 (b) to reach agreement on some or all of the terms of the proposed dissolution.

(2) Either or both of the civil partners may at any time request that the hearing of proceedings adjourned under *subsection (1)* be resumed as soon as may be and, if that request is made, the court shall, subject to any other power of the court to adjourn proceedings, resume the hearing.

(3) The powers conferred by this section are additional to any other power of the court to adjourn proceedings.

(4) The court may, at its discretion when adjourning proceedings under this section, advise the civil partners to seek the assistance of a mediator or other third party in relation to the civil partners' proposed reconciliation or reaching of an agreement between them on some or all of the terms of the proposed dissolution. 5

Non-admissibility as evidence of certain communications.

110.—The following are not admissible as evidence in any court:

(a) an oral or written communication between either of the civil partners and a third party, whether or not made in the presence or with the knowledge of the other civil partner, for the purpose of— 10

(i) seeking assistance to effect a reconciliation, or

(ii) reaching agreement between them on some or all of the terms of a dissolution; and 15

(b) any record of such a communication, made or caused to be made by either of the civil partners concerned or the third party.

Effect of decree of dissolution.

111.—Where the court grants a decree of dissolution, the civil partnership is thereby dissolved and either civil partner may register in a new civil partnership or marry. 20

Interpretation.

112.—An order made under any of *sections 113 to 126* that refers to a civil partner shall be construed as including a person who was a civil partner until the dissolution of the civil partnership under this Part. 25

Preliminary orders in proceedings for dissolution.

113.—Where an application is made to the court for the grant of a decree of dissolution, the court, before deciding whether to grant or refuse to grant the decree may, in the same proceedings and without the institution of proceedings under any other Act, if it appears to the court to be proper to do so, make one or more of the following orders: 30

(a) a safety order, a barring order, an interim barring order or a protection order under the Domestic Violence Acts 1996 and 2002, as amended by *Part 9* of this Act; and

(b) an order under *section 30* or *section 34*. 35

Maintenance pending suit orders.

114.—(1) Where an application is made to the court for the grant of a decree of dissolution, the court may make an order requiring either of the civil partners to make to the other periodical payments or lump sum payments for support that the court considers proper and specifies in the order. 40

(2) Periodical payments ordered under *subsection (1)* may be for the period beginning not earlier than the date of the application and ending not later than the date of its determination that the court specifies in the order.

115.—(1) On granting a decree of dissolution or at any other time after granting the decree, the court, on application to it in that behalf by either of the civil partners may, during the lifetime of either of the civil partners, make one or more of the following orders: Periodical payments and lump sum orders.

5 (a) an order that either of the civil partners make to the other the periodical payments in the amounts, during the period and at the times that may be specified in the order;

10 (b) an order that either of the civil partners secure to the other, to the satisfaction of the court, the periodical payments of the amounts, during the period and at the times that may be specified in the order; and

15 (c) an order that either of the civil partners make to the other a lump sum payment or lump sum payments of the amount or amounts and at the time or times that may be specified in the order.

(2) The court may order a civil partner to pay a lump sum to the other civil partner to meet any liabilities or expenses reasonably incurred by the other civil partner in maintaining himself or herself before the making of an application by the other civil partner for an order under *subsection (1)*.

25 (3) An order under this section for the payment of a lump sum may provide for the payment of the lump sum by instalments of the amounts that may be specified in the order and may require the payment of the instalments to be secured to the satisfaction of the court.

(4) The period specified in an order under *subsection (1)(a)* or *(b)* shall begin not earlier than the date of the application for the order and shall end not later than the death of the first civil partner to die.

30 (5) An order made under *subsection (1)(a)* or *(b)* ceases to have effect on the date of entry into a new civil partnership or marriage of the civil partner in whose favour the order was made, except as respects payments due under it on that date.

35 (6) The court shall not make an order under this section in favour of a civil partner who has entered into a new civil partnership or has married.

40 (7) The court that makes an order under *subsection (1)(a)* shall, in the same proceedings, make an attachment of earnings order under *Part 6* to secure payments under the order if it is satisfied, after taking into consideration any representations on the matter made to it by the civil partner ordered to make payments under that subsection, that—

45 (a) the order is desirable to secure payments under an order under *subsection (1)(a)* and any variations and affirmations of that order, and

(b) the person against whom the attachment of earnings order is made is a person to whom earnings fall to be paid.

116.—(1) On granting a decree of dissolution or at any other time after the decree is granted, the court, on application to it in that Property adjustment orders.

behalf by either of the civil partners may, during the lifetime of either of the civil partners, make one or more of the following orders:

- (a) an order transferring specified property in which a civil partner has an interest either in possession or reversion from that civil partner to the other; 5
- (b) an order settling specified property in which a civil partner has an interest either in possession or reversion for the benefit of the other, to the satisfaction of the court;
- (c) an order varying an ante-registration or post-registration settlement made by the civil partners, including one made by will or codicil, for the benefit of one of the civil partners; and 10
- (d) an order extinguishing or reducing the interest of either of the civil partners under such a settlement.

(2) An order under *subsection (1)(b), (c) or (d)* may restrict to a specified extent or may exclude the application of *section 128* in relation to the order. 15

(3) If, after the grant of the decree of dissolution, either of the civil partners registers in a new civil partnership or marries, the court shall not make an order under *subsection (1)* in favour of that civil partner. 20

(4) The registrar or clerk of the court that makes an order under *subsection (1)* in relation to land shall lodge with the Property Registration Authority a copy of the order certified to be a true copy for registration in the Registry of Deeds or Land Registry, as appropriate. 25

(5) Where a property adjustment order lodged under *subsection (4)* and registered pursuant to section 69(1)(h) of the Registration of Title Act 1964 or in the Registry of Deeds has been complied with, the Property Registration Authority shall, on being satisfied that the order has been complied with— 30

- (a) cancel the entry made in the register under the Registration of Title Act 1964, or
- (b) note compliance with the order in the Registry of Deeds.

(6) The court may order a person other than the person directed by an order under *subsection (1)* to execute a deed or instrument in the name of the person who had been directed to do so if— 35

- (a) that person refuses or neglects to comply with the direction, or
- (b) the court considers it necessary to do so for another reason. 40

(7) A deed executed by a person in the name of another person pursuant to an order under *subsection (6)* is as valid as if it had been executed by the person who had been originally directed to do so.

(8) The court may determine the manner in which the costs incurred in complying with an order under this section are to be borne, including by one or the other of the civil partners or by both of them in the proportions that the court may determine. 45

(9) This section does not apply in relation to a shared or family home in which, following the grant of a decree of dissolution, either of the civil partners resides with a new civil partner or spouse.

5 **117.**—(1) On granting a decree of dissolution or at any other time after it is granted, the court, on application to it in that behalf by either of the civil partners may, during the lifetime of either of the civil partners, make one or more of the following orders: Miscellaneous ancillary orders.

10 (a) an order providing for the conferral on one civil partner, either for life or for another specified definite or contingent period that the court may specify, of the right to occupy the shared home to the exclusion of the other civil partner;

15 (b) an order directing the sale of the shared home subject to the conditions that the court considers proper and providing for the disposition of the proceeds of the sale between the civil partners and any other person with an interest in it;

(c) an order under *section 30, 33, 34 or 104*;

20 (d) an order under the Domestic Violence Acts 1996 and 2002 as amended by *Part 9*; and

(e) an order for the partition of property or under the Partition Act 1868 and the Partition Act 1876.

25 (2) The court, in exercising its jurisdiction under *subsection (1)(a) or (b)* shall have regard to the welfare of the civil partners and, in particular, shall take into consideration—

(a) that, where a decree of dissolution is granted, it is not possible for the civil partners to reside together, and

30 (b) that proper and secure accommodation should, where practicable, be provided for a civil partner who is wholly or mainly dependent on the other civil partner.

(3) *Subsections (1)(a) and (b)* do not apply in relation to a shared or family home in which, following the grant of a decree of dissolution, either of the civil partners resides with a new civil partner or spouse.

35 **118.**—(1) If the court is of the view that one of the reasons set out in *subsection (2)* exists, the court, on application to it in that behalf by either of the civil partners, during the lifetime of either of the civil partners, may make, on granting a decree of dissolution or at any time after granting it, one or more of the following orders: Financial compensation orders.

40 (a) an order requiring the other civil partner to effect a policy of life insurance for the benefit of the applicant civil partner;

45 (b) an order requiring the other civil partner to assign to the applicant the whole or a specified part of the interest in a policy of life insurance that he or she has effected or that both of the civil partners have effected; and

(c) an order requiring the other civil partner to make or to continue to make to the person by whom a policy of life insurance is or was issued the payments which he or she or both of the civil partners is or are required to make under the terms of the policy. 5

(2) The reasons referred to in *subsection (1)* are:

(a) the financial security of the applicant can be provided for if the order is made; and

(b) the forfeiture by the applicant of the opportunity of acquiring a benefit (for example a benefit under a pension scheme) by reason of the decree of dissolution can be compensated wholly or partly by making the order. 10

(3) The court may make an order under *subsection (1)* in addition to or in substitution in whole or in part for orders under *sections 115, 116, 117 or 119* and, in deciding whether or not to make the order, the court shall have regard to whether proper provision, having regard to the circumstances, exists, or can be made, for the civil partner concerned by orders under those sections. 15

(4) An order made under *subsection (1)* ceases to have effect on the entry into a new civil partnership, marriage or death of the applicant. 20

(5) The court shall not make an order under this section in favour of a civil partner who has entered into a new civil partnership or has married.

(6) An order under *section 129* in relation to an order made under *subsection (1)(a)* or *(b)* may make the provision that the court considers appropriate in relation to the disposal of— 25

(a) an amount representing any accumulated value of the insurance policy effected pursuant to the order under *subsection (1)(a)*, or 30

(b) the interest or part of the interest to which the order under *subsection (1)(b)* relates.

Pension adjustment orders.

119.—(1) In this section and *sections 120 to 124*—

“Act of 1990” means the Pensions Act 1990;

“active member” in relation to a scheme, means a member of the scheme who is in reckonable service; 35

“actuarial value” means the equivalent cash value of a benefit (including, where appropriate, provision for any revaluation of the benefit) under a scheme calculated by reference to appropriate financial assumptions and making due allowance for the probability of survival to normal pensionable age and beyond in accordance with normal life expectancy on the assumption that the member, at the effective date of calculation, is in a normal state of health having regard to his or her age; 40

“approved arrangement”, in relation to the trustees of a scheme, means an arrangement whereby the trustees, on behalf of the person for whom the arrangement is made, effect policies or contracts of insurance that are approved of by the Revenue Commissioners with, 45

and make the appropriate payments under the policies or contracts to, one or more undertakings;

5 “contingent benefit” means a benefit payable under a scheme, other than a payment under *section 121(4)*, to or for the benefit of the surviving civil partner, any dependants of the member civil partner or the personal representative of the member civil partner, if the member civil partner dies while in relevant employment and before attaining any normal pensionable age provided for under the rules of the scheme;

10 “defined contribution scheme” has the meaning assigned to it by section 2(1) (as amended by section 29(1)(a)(ii) of the Social Welfare and Pensions Act 2008) of the Act of 1990;

15 “designated benefit” in relation to a pension adjustment order, means an amount determined by the trustees of a scheme, in accordance with relevant guidelines and by reference to the period and the percentage of the retirement benefit specified in an order under *subsection (2)*;

“member civil partner” in relation to a scheme, means a civil partner who is a member of the scheme;

20 “normal pensionable age” means the earliest age at which a member of a scheme is entitled to receive benefits under the rules of the scheme on retirement from relevant employment, disregarding any rules providing for early retirement on grounds of ill health or otherwise;

25 “occupational pension scheme” has the meaning assigned to it by section 2(1) of the Act of 1990;

“reckonable service” means service in relevant employment during membership in any scheme;

30 “relevant guidelines” means any relevant guidelines for the time being in force under section 10(1)(c) or (cc) (as amended by section 5 of the Pensions (Amendment) Act 1996, section 47(c) of the Family Law (Divorce) Act 1996, section 13(b) of the Pensions (Amendment) Act 2002 and section 37 of the Social Welfare and Pensions Act 2007) of the Act of 1990;

35 “relevant employment” in relation to a scheme, means any employment, or any period treated as employment, or any period of self-employment to which a scheme applies;

“retirement benefit”, in relation to a scheme, means all benefits, other than contingent benefits, payable under the scheme;

40 “rules”, in relation to a scheme, means the provisions of the scheme by whatever name called;

“scheme” means a pension scheme;

“transfer amount” shall be construed in accordance with *subsection (4)*;

45 “undertaking” has the same meaning as “ ‘insurance undertaking’ or ‘undertaking’ ” in section 2(1) (as inserted by section 3(1) of the Insurance Act 2000) of the Insurance Act 1989.

(2) On granting a decree of dissolution or at any other time after it is granted, the court, on application to it in that behalf by either of the civil partners, may, during the lifetime of a member civil partner, make an order providing for the payment, in accordance with this section and *sections 120 to 124*, to the other civil partner of a benefit consisting of the part of the benefit that is payable (or that, but for the making of the decree, would have been payable) under the scheme and has accrued at the time of the making of the decree, or of the part of that part that the court considers appropriate. 5

(3) The order under *subsection (2)* shall specify— 10

(a) the period of reckonable service of the member civil partner prior to the granting of the decree to be taken into account, and

(b) the percentage of the retirement benefit accrued during the period to be paid to the other civil partner. 15

(4) Where the court makes an order under *subsection (2)* in favour of a civil partner and payment of the designated benefit concerned has not commenced, the civil partner is entitled to the application in accordance with *section 121(1)* of an amount of money from the scheme (in this subsection referred to as a “transfer amount”) equal to the value of the designated benefit as determined by the trustees of the scheme in accordance with relevant guidelines. 20

(5) On granting a decree of dissolution or at any time within one year after it is granted, the court, on application to it in that behalf by either of the civil partners, may make an order providing for the payment, on the death of the member civil partner, to the other civil partner of that part of a contingent benefit that is payable (or that, but for the making of the decree, would have been payable) under the scheme, or of the part of that part, that the court considers appropriate. 25 30

(6) The court shall not make an order under this section in favour of a civil partner who has registered in a new civil partnership or has married.

(7) The court may make an order under this section in addition to or in substitution in whole or in part for an order under *section 115, 116, 117 or 118* and, in deciding whether or not to make a pension adjustment order, the court shall have regard to the question whether proper provision, having regard to the circumstances, exists or can be made for the civil partner who is not a member under those sections. 35 40

(8) An order under this section may restrict to a specified extent or exclude the application of *section 129* in relation to the order.

Procedural provisions respecting pension adjustment orders.

120.—(1) A person who makes an application under *section 119(2)* or (5) or an application for an order under *section 129(2)* in relation to an order under *section 119(2)* shall give notice of the application to the trustees of the scheme. The court shall, in deciding whether to make the order and in determining the provisions of the order, have regard to representations made by the persons to whom notice has been given under this section or *section 139*. 45

(2) An order referred to in *subsection (1)* ceases to have effect on the entry into a new civil partnership, marriage or death of the applicant. 50

(3) The court may, in making an order referred to in *subsection (1)*, give to the trustees of the scheme any directions that it considers appropriate, including a direction that would require the trustees not to comply with the rules of the scheme or the Act of 1990.

5 (4) The registrar or clerk of the court that makes an order referred to in *subsection (1)* shall cause a copy of the order to be served on the trustees of the scheme.

10 **121.**—(1) Subject to *section 122(4)*, the trustees of a scheme in respect of which an order has been made under *section 119(2)* shall, where the conditions set out in *subsection (2)* are present, apply, in accordance with relevant guidelines, the transfer amount calculated in accordance with those guidelines—

Rules respecting payments under schemes.

15 (a) if the trustees and the civil partner so agree, in providing a benefit for or in respect of the civil partner that is of the same actuarial value as the transfer amount, or

(b) in making a payment, at the option of the civil partner—

(i) to another occupational pension scheme whose trustees agree to accept the payment, or

20 (ii) to discharge another payment falling to be made by the trustees under any such other approved arrangement.

(2) The conditions referred to in *subsection (1)* are:

(a) the court has made an order under *section 119(2)* in favour of the civil partner;

25 (b) payment of the designated benefit has not commenced;

(c) the civil partner has applied to the trustees in that behalf; and

(d) the civil partner furnishes the information that the trustees require.

30 (3) Subject to *section 122(4)*, trustees of a defined contribution scheme in respect of which an order has been made under *section 119(2)* may, if the civil partner has not made an application under *subsections (1)* and *(2)*, apply in accordance with relevant guidelines the transfer amount calculated in accordance with those guidelines to make a payment, at their option—

(a) to another occupational pension scheme whose trustees agree to accept the payment, or

(b) to discharge another payment falling to be made by the trustees under any such other approved arrangement.

40 (4) Subject to *section 122(4)*, the trustees of a scheme in respect of which an order has been made under *section 119(2)* shall, within 3 months of the death of a member civil partner who dies before the payment of the designated benefit has commenced, provide for the payment to the other civil partner of an amount that is equal to the transfer amount calculated in accordance with relevant guidelines.

45

(5) Subject to *section 122(4)*, the trustees of a scheme in respect of which an order has been made under *section 119(2)* may, if the member civil partner ceases to be a member otherwise than on death, apply, in accordance with relevant guidelines, the transfer amount under the scheme, at their option— 5

(a) if the trustees and the other civil partner so agree, in providing a benefit for or in respect of that civil partner that is of the same actuarial value as the transfer amount, or

(b) in making a payment, either—

(i) to another occupational pension scheme whose trustees agree to accept the payment, or 10

(ii) to discharge another payment falling to be made by the trustees under any such other approved arrangement.

(6) Subject to *section 122(4)*, the trustees of a scheme in respect of which an order has been made under *section 119(2)* shall, within 3 months of the death of the civil partner who is not the member and who dies before payment of the designated benefit has commenced, provide for the payment to the personal representative of that civil partner of an amount that is equal to the transfer amount calculated in accordance with relevant guidelines. 15 20

(7) Subject to *section 122(4)*, the trustees of a scheme in respect of which an order has been made under *section 119(2)* shall, within 3 months of the death of the civil partner who is not the member and who dies after payment of the designated benefit has commenced, provide for the payment to the personal representative of that civil partner of an amount that is equal to the actuarial value, calculated in accordance with relevant guidelines, of the part of the designated benefit that, but for the death of that civil partner, would have been payable to him or her during his or her lifetime. 25 30

(8) The trustees of a scheme in respect of which an order has been made under *section 119(2)* or (5) shall, within 12 months of the member civil partner's ceasing to be a member, notify the registrar or clerk of the court and the other civil partner of the cessation, if the trustees have not applied the transfer amount in accordance with any of *subsections (1) to (6)*. 35

(9) The trustees of a scheme who apply a transfer amount under *subsection (3)* or (5) shall notify the civil partner who is not the member and the registrar or clerk of the court, giving particulars to that civil partner of the scheme and the transfer amount. 40

Payments further to orders under *section 119*.

122.—(1) A benefit payable pursuant to an order made under *section 119(2)*, or a contingent benefit payable pursuant to an order made under *section 119(5)*, is payable out of the resources of the scheme and, unless the order or relevant guidelines provide otherwise, in accordance with the rules of the scheme and those guidelines. 45

(2) The amount of retirement benefit payable to the member civil partner, or the amount of contingent benefit payable to or in respect of the member civil partner, in accordance with the rules of the relevant scheme shall be reduced by the designated benefit or contingent benefit payable pursuant to an order made under *section 119(2)* or (5), as the case may be, to the other civil partner. 50

5 (3) The amount of contingent benefit payable in accordance with the rules of the scheme in respect of a member civil partner who dies before the payment of the designated benefit payable pursuant to an order under *section 119(2)* has commenced shall be reduced by the amount of the payment made under *section 121(4)*.

10 (4) Trustees who make a payment or apply a transfer amount under any of *subsections (1) to (7)* of *section 121* are discharged from any obligation to make further payment or apply another transfer amount under any of those subsections in respect of the benefit payable pursuant to the order made under *section 119(2)*.

(5) A trustee is not liable for any loss or damage caused by complying with a direction referred to in *section 120(3)* rather than the rules of the scheme or the Act of 1990.

15 **123.**—(1) The court may determine the manner in which the costs Costs. incurred by the trustees of a scheme further to an order under *section 119* are to be borne, including by one or the other of the civil partners or by both of them in the proportions that the court may determine, and in default of a determination, the civil partners shall bear those costs equally.

20 (2) The court may, on application to it by the trustees, order that an amount ordered to be paid by a civil partner under *subsection (1)* that has not been paid be deducted from any benefits payable to the civil partner—

25 (a) pursuant to an order made under *section 119*, if the civil partner is the beneficiary of the order; and

(b) pursuant to the scheme, if the civil partner is the member civil partner.

30 **124.**—(1) Section 54 of the Act of 1990 and regulations made under that section apply with any necessary modifications to a scheme if proceedings for the grant of a decree of dissolution to which a member civil partner is a party have been instituted, and continue to apply notwithstanding the grant of the decree of dissolution. Other provisions for orders under *section 119*.

35 (2) For the purposes of this section and *sections 119 to 123*, the court may, of its own motion, and shall, if so requested by either of the civil partners or another concerned person, direct the trustees of the scheme to provide the civil partners or the other person and the court, within a specified period—

40 (a) with a calculation of the value and amount, determined in accordance with relevant guidelines, of the retirement benefit or contingent benefit that is payable or that, but for the making of the order for the decree of dissolution, would have been payable under the scheme and has accrued at the time of making the order, and

45 (b) with a calculation of the amount of the contingent benefit that is payable or that, but for the making of the order for the decree of dissolution concerned, would have been payable, under the scheme.

125.—(1) A civil partner may, after the death of his or her civil partner but not more than 6 months after representation is first granted under the Succession Act 1965 in respect of that civil partner's estate, apply for an order under this section for provision out of the net estate.

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(2) The court may by order make the provision for the applicant that the court considers appropriate having regard to the rights of any other person having an interest in the matter, if the court is satisfied that proper provision in the circumstances was not made for the applicant during the lifetime of the deceased for any reason other than conduct by the applicant that, in the opinion of the court, it would in all the circumstances be unjust to disregard.

10

(3) The court shall not make an order under this section in favour of a civil partner who has registered in a new civil partnership, or has married, since the granting of the decree of dissolution.

15

(4) In considering whether to make an order under this section, the court shall have regard to all the circumstances of the case, including—

(a) any order made under *section 115(1)(c)* or a property adjustment order made under *section 116* in favour of the applicant, and

20

(b) any devise or bequest made by the deceased in favour of the applicant.

(5) The total value for the applicant of the provision made by an order referred to in *subsection (4)(a)* on the date on which that order was made and an order made under this section shall not exceed any share of the applicant in the estate of the deceased civil partner to which the applicant was entitled or, if the deceased civil partner died intestate as to the whole or part of his or her estate, would have been entitled, if the civil partnership had not been dissolved, under the Succession Act 1965 as amended by *Part 8*.

25

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(6) The applicant shall give notice of an application under this section to any spouse or other civil partner of the deceased and to any other persons that the court may direct and, in deciding whether to make the order and in determining the provisions of the order, the court shall have regard to any representations made by any of those persons.

35

(7) The personal representative of a deceased civil partner in respect of whom a decree of dissolution has been granted shall make a reasonable attempt to ensure that notice of the death is brought to the attention of the other civil partner concerned and, where an application is made under this section, that personal representative shall not, without leave of the court, distribute any of the estate of the deceased civil partner until the court makes or refuses to make an order under this section.

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(8) A civil partner shall notify the personal representative of the deceased civil partner not later than one month after receipt of the notice referred to in *subsection (7)* if the other civil partner—

(a) intends to apply for an order under this section,

(b) has applied for an order under this section and the application is pending, or

(c) has successfully obtained an order under this section.

5 (9) If the civil partner does not notify the personal representative as required by *subsection (8)*, the personal representative may distribute the assets of the deceased civil partner or any part of them amongst the persons entitled to them and is not liable to the civil partner for that distribution.

10 (10) Nothing in this section prejudices the rights of the civil partner to follow assets into the hands of a person who has received them.

15 (11) On granting a decree of dissolution or at any other time after it is granted, the court, on application to it in that behalf by either of the civil partners, may make an order that either or both of the civil partners may not, on the death of either of them, apply for an order under this section, if the court considers it just to do so.

126.—(1) The court may make an order directing the sale of property specified in the order if— Orders for sale of property.

20 (a) the property is property in which, or in the proceeds of sale of which, either or both of the civil partners has a beneficial interest, either in possession or reversion, and

(b) the court makes or has made a secured periodical payments order, a lump sum order or a property adjustment order.

25 (2) The court shall not exercise its jurisdiction under *subsection (1)* in a way that would affect a civil partner's right to occupy the shared home by virtue of an order under this Act.

30 (3) An order under *subsection (1)* may contain the consequential and supplementary provisions that the court considers appropriate, including provisions—

(a) specifying the manner of sale and some or all of the conditions applying to the sale of the property,

(b) requiring the property to be offered for sale to a person or class of persons specified in the order,

35 (c) directing that the order, or a specified part of it, not take effect until the occurrence of a specified event or the expiration of a specified period,

40 (d) requiring the making of a payment or payments, whether periodically or in a lump sum, to a specified person out of the proceeds of the sale of the property, and

(e) specifying the manner in which the proceeds of the sale of the property are to be disposed of between the civil partners and other persons.

45 (4) A provision in an order under *subsection (1)* requiring the making of periodical payments to one of the civil partners out of the proceeds of the sale ceases to have effect on the registration in a new

civil partnership, marriage or death of that civil partner, except as respects payments due under it on the date of the registration, marriage or death.

(5) The court shall, in considering whether to make an order under this section or *section 116* or *117* with respect to a property in which a civil partner has a beneficial interest or in the proceeds of sale of which the civil partner has a beneficial interest, give to a person who also has a beneficial interest in the property or proceeds an opportunity to make representations with respect to the making and contents of the order.

(6) The representations made under *subsection (5)* are deemed to be included in *section 127* as matters to which the court is required to have regard in proceedings under a provision referred to in that section.

(7) This section does not apply in relation to a shared or family home in which, following the grant of a decree of dissolution, either of the civil partners resides with a new civil partner or spouse.

Provisions relating to certain orders.

127.—(1) In deciding whether to make an order under *section 114*, *115*, *116*, *117(1)(a)* or *(b)*, *118*, *119* to *124*, *125* or *129*, and in determining the provisions of the order, the court shall ensure that the provision that the court considers proper having regard to the circumstances exists or will be made for the civil partners.

(2) In deciding whether to make an order referred to in *subsection (1)* and in determining the provisions of the order, the court shall, in particular, have regard to the following matters:

- (a) the income, earning capacity, property and other financial resources that each of the civil partners has or is likely to have in the foreseeable future;
- (b) the financial needs, obligations and responsibilities that each of the civil partners has or is likely to have in the foreseeable future, whether in the case of the registration of a new civil partnership or marriage or otherwise;
- (c) the standard of living enjoyed by the civil partners before the proceedings were instituted or before they commenced to live apart;
- (d) the age of the civil partners, the duration of their civil partnership and the length of time during which the civil partners lived with each other after registration of their civil partnership;
- (e) any physical or mental disability of either of the civil partners;
- (f) the contributions that each of the civil partners has made or is likely to make in the foreseeable future to the welfare of the civil partners, including any contribution made by each of them to the income, earning capacity, property and financial resources of the other, and any contribution made by either of them by looking after the shared home;
- (g) the effect on the earning capacity of each of the civil partners of the civil partnership responsibilities assumed by each during the period when they lived with one another

after the registration of their civil partnership and the degree to which the future earning capacity of a civil partner is impaired by reason of that civil partner having relinquished or foregone the opportunity of remunerative activity in order to look after the shared home;

(h) any income or benefits to which either of the civil partners is entitled by or under statute;

(i) the conduct of each of the civil partners, if that conduct is such that, in the opinion of the court, it would in all the circumstances be unjust to disregard;

(j) the accommodation needs of both of the civil partners;

(k) the value to each of the civil partners of any benefit (for example, a benefit under a pension scheme) which, by reason of the decree of dissolution, a civil partner will forfeit the opportunity or possibility of acquiring; and

(l) the rights of any person other than the civil partners but including a person with whom either civil partner is registered in a new civil partnership or to whom the civil partner is married, or any child to whom either of the civil partners owes an obligation of support.

(3) In deciding whether to make an order under a provision referred to in *subsection (1)* and in determining the provisions of the order, the court shall have regard to the terms of any separation agreement that the parties have entered into and that is still in force.

(4) The court shall not make an order under a provision referred to in *subsection (1)* unless it would be in the interests of justice to do so.

128.—The court may, if, having regard to all the circumstances of the case, it considers it appropriate to do so, in a periodical payments order, direct that—

Retrospective periodical payment orders.

(a) the period in respect of which payments under the order are to be made begins on a specified date that is before the date of the order but after the date of the institution of the proceedings for the grant of the decree of dissolution,

(b) without prejudice to *section 115(1)(c)*, any payments under the order in respect of the period before the date of the order be paid in one sum and before a specified date, and

(c) the civil partner making the payments referred to in *paragraph (b)* deduct a specified amount equal to any payment made to that civil partner by the other civil partner made during the period between the making of the order for the grant of the decree of dissolution and the institution of the proceedings.

129.—(1) This section applies to the following orders:

Variations etc., of certain orders.

(a) a maintenance pending suit order;

(b) a periodical payments order;

- (c) a secured periodical payments order;
 - (d) a lump sum order if and insofar as it provides for the payment of the lump sum by instalments or requires the payment of instalments to be secured;
 - (e) an order under *section 116(1)(b), (c) or (d)* to the extent that the application of this section is not restricted or excluded pursuant to *section 116(2)*; 5
 - (f) an order under *section 117(1)(a) or (b)*;
 - (g) a financial compensation order;
 - (h) an order under *section 119(2)*, to the extent that the application of this section is not restricted or excluded pursuant to *section 119(8)*; and 10
 - (i) an order under this section.
- (2) Any of the following persons may apply under this section with respect to an order referred to in *subsection (1)*: 15
- (a) either of the civil partners concerned;
 - (b) in the case of the death of a civil partner, another person who has, in the opinion of the court, sufficient interest in the matter; and
 - (c) in the case of the registration of a new civil partnership or the marriage of either of the civil partners, his or her new civil partner or spouse. 20
- (3) Subject to this section and *section 127* and to any restriction or exclusion pursuant to *section 116(2) or 119(8)*, and without prejudice to *section 118(6)*, the court may, on application under *subsection (2)* and if it considers it proper to do so, having regard to any change in the circumstances of the case and to any new evidence, by order— 25
- (a) vary or discharge the order,
 - (b) suspend any provision of the order,
 - (c) suspend temporarily any provision of the order, 30
 - (d) revive the operation of a suspended provision,
 - (e) further vary an order previously varied under this section, and
 - (f) further suspend or revive the operation of a provision previously suspended or revived under this section. 35
- (4) An order under this section may require the divesting of property vested in a person under an order referred to in *subsection (1)*.
- (5) The court's power under *subsection (3)* to vary, discharge or suspend an order referred to in *subsection (1)(e)* is subject to any restriction or exclusion specified in that order and is a power— 40
- (a) to vary the settlement to which that order relates in any person's favour or to extinguish or reduce any person's interest under that settlement; and

(b) to make the supplemental provision, including a further property adjustment order or a lump sum order, that the court thinks appropriate in consequence of any variation, extinguishment or reduction made under *paragraph (a)*.

5 (6) *Section 126* applies, with the necessary modifications, to a case where the court makes an order under *subsection (5)* as it applies to a case where the court makes a property adjustment order.

(7) The court shall not make an order under *subsection (5)* if it appears to the court that the order could prejudice the rights of a person who is not a civil partner concerned and has acquired a right or interest in consequence of the order referred to in *subsection (1)(e)*.

10 (8) This section applies, with any necessary modifications, to instruments executed pursuant to orders referred to in *subsection (1)* as it applies to those orders.

(9) The registrar or clerk of the court shall, as appropriate, lodge a copy of an order made under *subsection (3)* in relation to a property adjustment order relating to land, which he or she has certified to be a true copy, with the Property Registration Authority for registration in the Registry of Deeds or Land Registry, as appropriate.

20 (10) Where a property adjustment order lodged under *section 116(4)* and duly registered pursuant to *section 69(1)(h)* of the Registration of Title Act 1964 is varied, discharged, suspended or revived by an order under *subsection (3)* and the second-mentioned order has been duly lodged for registration pursuant to *subsection (9)*, the Property Registration Authority shall—

(a) amend or cancel accordingly the entry made in the register, pursuant to *section 116(4)*, under the Registration of Title Act 1964, or

30 (b) note the position in the Registry of Deeds.

130.—(1) This section applies to an order under *section 44, 46, 114, 115, 126 or 129*. Method of making payments under certain orders.

(2) The court may by order provide that a payment under an order referred to in *subsection (1)* be made by the method specified in the order and be subject to the specified terms and conditions that the court considers appropriate.

131.—The operation of an order being appealed shall not be stayed unless the court that made the order or to which the appeal is brought directs otherwise, in the case of an appeal brought from an order under *section 44, 46, 114, 115(1)(a) or (b) or 129(1)(a), (b) or (c)*. Stay on certain orders being appealed.

132.—Notwithstanding anything in this Part, *section 49* applies in relation to a maintenance pending suit order, a periodical payments order or a secured periodical payments order, or one of those orders affected by an order under *section 129*, with all necessary modifications, including— Transmission of periodical payments through District Court clerk.

(a) the reference in *section 49(4)* to the maintenance creditor shall be construed as a reference to the person to whom

payments under the relevant order are required to be made;

(b) the other references in *section 49* to the maintenance creditor shall be construed as references to the person on whose application the relevant order was made; and 5

(c) the references in *section 49(3)* to the maintenance debtor shall be construed as a reference to the person by whom payments under the relevant order are required to be made.

Application of maintenance pending suit and periodical payment orders to certain members of Defence Forces.

133.—(1) The reference in section 98(1)(h) of the Defence Act 1954 to an order for payment of alimony shall be construed as including a reference to a maintenance pending suit order, periodical payments order or secured periodical payments order made under this Act. 10

(2) The references in section 99 of the Defence Act 1954 to a wife shall be construed as including a reference to a civil partner within the meaning of the *Civil Partnership Act 2009*. 15

Amendment of Enforcement of Court Orders Act 1940.

134.—The references in subsections (1) and (7) of section 8 of the Enforcement of Court Orders Act 1940 to an order shall be construed as including references to a maintenance order, a variation order, a maintenance pending suit order and a periodical payments order made under this Act. 20

Powers of court in relation to transactions intended to prevent or reduce relief.

135.—(1) In this section—
“disposition” means a disposition of property, other than a disposition by will or codicil; 25

“relief” means the financial or other material benefits conferred by an order under *section 114, 115, 116, 117(1)(a), (b) or (c), 118, 119 to 124, 125, or 129* (other than an order affecting an order referred to in *section 129(1)(e)*), and references to defeating a claim for relief are references to— 30

(a) preventing the relief being granted to the person concerned,

(b) limiting the relief granted, or

(c) frustrating or impeding the enforcement of an order granting relief; 35

“reviewable disposition”, in relation to proceedings for the grant of relief brought by a civil partner, means a disposition made by the other civil partner or another person, but does not include a disposition made for valuable consideration (other than on registration in a new civil partnership or marriage) to a person who, at the time of the disposition, acted in good faith and without notice of an intention on the part of the other civil partner to defeat the claim for relief. 40

(2) The court, on application made by a person who makes it during the proceedings instituted for the grant of relief, may—

(a) if satisfied that the other civil partner concerned or another person, with the intention of defeating the claim 45

for relief, proposes to make a disposition of or transfer out of the jurisdiction or otherwise deal with property, make the order that it thinks fit for the purpose of restraining the other civil partner or person from doing so or otherwise for protecting the claim, or

5

(b) if satisfied that the other civil partner or person has, with that intention, made a reviewable disposition and that, if the disposition were set aside, relief or different relief would be granted to the applicant,

10 make an order setting aside the disposition.

(3) Where the court has granted relief and the court is satisfied that the other civil partner or person has, with that intention, made a reviewable disposition, it may make an order setting aside the disposition.

15 (4) A court that makes an order under *subsection (2)* or *(3)* shall include in the order any provisions that it considers necessary for the implementation of the order, including provisions requiring the making of any payments or the disposal of any property.

20 (5) In proceedings on an application made under *subsection (2)* or *(3)* with respect to a disposition that took place less than 3 years before the date of the application or with respect to a disposition or other dealing with property that is proposed to be made, there is a presumption, unless the contrary is shown, that the other civil partner or person disposed of or otherwise dealt with the property or
25 proposes to do so with the intention of defeating the applicant's claim for relief if—

(a) in a case referred to in *subsection (2)(a)*, the disposition or other dealing would, apart from this section, have that consequence, or

30 (b) in any other case, the disposition has had that consequence.

(6) An application shall not be made for an order setting aside a disposition by reason only of *subsection (2)(b)* or *(3)* after the expiration of 6 years from the date of the disposition.

35 **136.**—The costs of mediation services or counselling services provided for a civil partner who is or becomes party to proceedings under this Part are in the discretion of the court. Cost of mediation and counselling services.

PART 13

JURISDICTION AND OTHER RELATED MATTERS

40 **137.**—In this Part—

Definitions.

“Circuit Court” means the Circuit Court when it is exercising its jurisdiction to hear and determine civil partnership law proceedings or transferring civil partnership law proceedings to the High Court;

45 “civil partner” includes, where the context requires, a person who was a civil partner in a partnership that has been dissolved;

“civil partnership law proceedings” in relation to a court, means proceedings before a court of competent jurisdiction—

- (a) under this Act, with the exception of *Part 15*,
- (b) under the Domestic Violence Act 1996 as amended by *Part 9*, or 5
- (c) between civil partners under the Partition Act 1868 and the Partition Act 1876, where the fact that they are civil partners of each other is of relevance to the proceedings.

Jurisdiction and venue.

138.—(1) Subject to the other provisions of this section, the Circuit Court has concurrent jurisdiction with the High Court to hear and determine civil partnership law proceedings. 10

(2) The District Court, and the Circuit Court on appeal from the District Court, have concurrent jurisdiction with the High Court to hear and determine proceedings under *sections 44, 45, 46 and 49* except that— 15

- (a) they do not have jurisdiction to make an order under one of those sections for the payment of a periodical sum at a rate greater than €500 per week for support of a civil partner,
- (b) they do not have jurisdiction to make an order or direction under one of those sections in a matter in relation to which the High Court has made an order or direction under that section, and 20
- (c) the District Court does not have jurisdiction to make an order or direction under one of those sections in a matter in relation to which the Circuit Court has made an order or direction otherwise than on appeal from the District Court. 25

(3) The court shall only exercise its jurisdiction in civil partnership law proceedings if a party to the proceedings— 30

- (a) is domiciled in the State on the date on which the proceedings are commenced, or
- (b) is ordinarily resident in the State throughout the one-year period that ends on that date.

(4) The jurisdiction conferred on the Circuit Court may be exercised by the judge of the circuit in which a party to the civil partnership law proceedings ordinarily resides or carries on a business, profession or occupation. 35

(5) The Circuit Court shall transfer proceedings to the High Court, on application to it by a party to the proceedings, if land to which the proceedings relate— 40

- (a) has a rateable valuation that exceeds €254, or
- (b) has not been given a rateable valuation or is the subject with other land of a rateable valuation, if the Circuit Court determines that the rateable valuation would exceed €254. 45

(6) An order made or act done in the course of the proceedings before a transfer under *subsection (5)* is valid unless discharged or varied by the High Court.

5 (7) The District Court and the Circuit Court shall transfer to the High Court proceedings under *Part 4* in which the value of household chattels exceeding €6,350 is at issue, on application to it by a party to the proceedings.

(8) An order made or act done in the course of the proceedings before a transfer under *subsection (7)* is valid unless discharged or varied by the High Court.

(9) If a civil partner is a person of unsound mind and there is a committee of the civil partner's estate, the jurisdiction under this section in proceedings under *Part 4* may, subject to *subsections (5)* to *(8)*, be exercised by the court that has appointed the committee.

15 (10) Subject to *subsection (9)*, the District Court has all the jurisdiction of the High Court to hear and determine—

(a) civil partnership law proceedings under *Part 4* if—

(i) the rateable valuation does not exceed €25, or

20 (ii) the land has not been given a rateable valuation or the land is the subject with other land of a rateable valuation, if the District Court determines that the rateable valuation would not exceed that amount,

and

25 (b) a question arising out of *section 34* where the value of the household chattels intended to be disposed of or removed or actually disposed of or removed does not exceed €6,350 or where the chattels are or immediately before the disposal or removal were in a shared home if—

30 (i) the rateable valuation of the shared home does not exceed €25, or

35 (ii) the shared home has not been given a rateable valuation or the shared home is the subject with other land of a rateable valuation, if the District Court determines that the rateable valuation would exceed that amount.

139.—A person bringing civil partnership law proceedings shall give notice of them to—

Notice of civil partnership law proceedings.

(a) the other civil partner or the civil partners concerned, and

(b) another person if the court so specifies.

40 **140.**—(1) In civil partnership law proceedings under *section 44*, *45*, *46*, *49*, *115*, *116*, *117(1)(a)* or *(b)*, *118*, *119* to *124*, *125* or *129*, each of the civil partners shall give to the other the particulars of his or her property or income that may be reasonably required for the purposes of the proceedings.

Particulars of property.

(2) The court may direct a person who fails or refuses to comply with *subsection (1)* to comply with it.

Hearing of proceedings.

141.—The Circuit Court shall sit to hear and determine civil partnership law proceedings in a different place or at different times or on different days from those on which the ordinary sittings of the Circuit Court are held. 5

Conduct of proceedings.

142.—(1) Civil partnership law proceedings shall be as informal as is practicable and consistent with the administration of justice.

(2) A judge sitting to hear and determine civil partnership law proceedings, and a barrister or solicitor appearing in the proceedings, shall not wear a wig or a gown. 10

Privacy.

143.—Subject to the provisions of section 40 of the Civil Liability and Courts Act 2004, civil partnership law proceedings shall be heard otherwise than in public.

Costs.

144.—The costs in civil partnership law proceedings are at the discretion of the court. 15

Rules of court.

145.—Rules of court shall provide for the documentation required for the commencement of civil partnership law proceedings in a summary manner.

PART 14

20

OTHER CONSEQUENTIAL AMENDMENTS

Amendment of section 10 of Pensions Act 1990.

146.—Subsection 10(1)(cc) (as amended by section 5 of the Pensions (Amendment) Act 1996 and section 47(c) of the Family Law (Divorce) Act 1996) of the Pensions Act 1990, is amended by substituting “and on the provisions of the Family Law Act 1995, the Family Law (Divorce) Act 1996 and the *Civil Partnership Act 2009*, relating to pension schemes (within the meaning of section 2 of the Family Law Act 1995, section 2 of the Family Law (Divorce) Act 1996 and sections 106 and 186 of the *Civil Partnership Act 2009*)” for “and on the provisions of the Family Law Act 1995, and the Family Law (Divorce) Act 1996, relating to pension schemes (within the meaning of section 2 of the Family Law Act 1995 and section 2 of the Family Law (Divorce) Act 1996)”. 25 30

Definition.

147.—In this section and *sections 148 to 155*, “Act of 1996” means the Family Law (Divorce) Act 1996. 35

Amendment of section 2 of Act of 1996.

148.—Section 2(1) of the Act of 1996 is amended by inserting the following definitions:

“ ‘civil partnership’ has the meaning assigned to it by the *Civil Partnership Act 2009*;

‘registration’, with respect to a civil partnership, includes entering into a relationship of a class of legal relationships that 40

is the subject of an order made under *section 5* of the *Civil Partnership Act 2009*”.

- 149.**—Section 13(5) of the Act of 1996 is amended—
- (a) in paragraph (a)—
- 5 (i) by inserting “or registration in a civil partnership”,
after “upon the remarriage”, and
- (ii) by inserting “or civil partnership registration” after
“date of the remarriage”,
- and
- 10 (b) in paragraph (b) by inserting “or registers in a civil part-
nership” after “remarries”.
- 150.**—Section 14(3) of the Act of 1996 is amended by inserting “or registers in a civil partnership” after “remarries”.
- 151.**—Section 16(2) of the Act of 1996 is amended—
- 15 (a) in paragraph (b), by inserting “, registration in a civil part-
nership” before “or death”, and
- (b) in paragraph (c), by inserting “or registered in a civil part-
nership” after “remarried”.
- 152.**—Section 17 of the Act of 1996 is amended—
- 20 (a) in subsection (19) by inserting “or registration in a civil
partnership” after “remarriage”, and
- (b) in subsection (23)(a) by inserting “or registered in a civil
partnership” after “remarried”.
- 153.**—Section 18 of the Act of 1996 is amended—
- 25 (a) in subsection (2) by inserting “or registered in a civil part-
nership” after “remarried”, and
- (b) in subsection (5) by inserting “, civil partner or former civil
partner” after “the spouse” wherever it appears.
- 154.**—Section 19(4) of the Act of 1996 is amended—
- 30 (a) by inserting “or registration in a civil partnership” before
“of that spouse”, and
- (b) by inserting “or civil partnership registration” after “rem-
arriage” at the end.
- 155.**—Section 20(2)(b) of the Act of 1996 is amended by inserting
- 35 “or registration in a civil partnership” after “remarriage”.

Definition. **156.**—In this section and *sections 157 to 165*, “Act of 1995” means the Family Law Act 1995.

Amendment of section 2 of Act of 1995. **157.**—Section 2(1) of the Act of 1995 is amended by inserting the following definitions:

“ ‘civil partnership’ has the meaning assigned to it by the *Civil Partnership Act 2009*; 5

‘registration’, with respect to a civil partnership, includes entering into a relationship of a class of legal relationships that is the subject of an order made under section 5 of the *Civil Partnership Act 2009*.”. 10

Amendment of section 8 of Act of 1995. **158.**—Section 8(5) of the Act of 1995 is amended—

(a) in paragraph (a)—

(i) by inserting “or registration in a civil partnership” before “of the spouse”, and

(ii) by inserting “or civil partnership registration” after “date of the remarriage” 15

and

(b) in paragraph (b), by inserting “or registers in a civil partnership” after “remarries”.

Amendment of section 9 of Act of 1995. **159.**—Section 9(3) of the Act of 1995 is amended by inserting “or registers in a civil partnership” after “remarries”. 20

Amendment of section 11 of Act of 1995. **160.**—Section 11(2) of the Act of 1995 is amended—

(a) in paragraph (b) by inserting “, registration in a civil partnership” before “or death”, and

(b) in paragraph (c) by inserting “or registered in a civil partnership” after “remarried”. 25

Amendment of section 12 of Act of 1995. **161.**—Section 12 of the Act of 1995 is amended—

(a) in subsection (19) by inserting “or registration in a civil partnership” after “remarriage”, and

(b) in subsection 23(a) by inserting “or registered in a civil partnership” after “remarried”. 30

Amendment of section 15 of Act of 1995. **162.**—Section 15(4) of the Act of 1995 is amended—

(a) by inserting “or registration in a civil partnership” before “of that spouse”, and

(b) by inserting “or civil partnership registration” after “remarriage” in the last line. 35

163.—Section 15A(2) (inserted by section 52(g) of the Family Law (Divorce) Act 1996) of the Act of 1995 is amended by inserting “or registered in a civil partnership” after “remarried”.

Amendment of section 15A of Act of 1995.

164.—Section 23 of the Act of 1995 is amended—

Amendment of section 23 of Act of 1995.

- 5 (a) in subsection (2)(d)—
- (i) by substituting “Where a person” for “Where a spouse”,
 - (ii) by inserting “or registered in a civil partnership” after “remarried”, and
 - 10 (iii) by substituting “of that person” for “of that spouse” wherever it appears,
- (b) in subsection (5), by inserting “or registration in a civil partnership” after “the remarriage”, and
- (c) in subsection (6)—
- 15 (i) in paragraph (b), by inserting “or registration in a civil partnership” after “remarriage” wherever it appears, and
 - (ii) in paragraph (c), by inserting “or registers in a civil partnership” after “remarries”.

20 **165.**—(1) Section 25(2) of the Act of 1995 is amended by inserting “or registered in a civil partnership” after “remarried”.

Amendment of section 25 of Act of 1995.

(2) Section 25(6) of the Act of 1995 is amended—

- (a) by inserting “, or civil partner (if any)” after “spouse (if any)”, and
- 25 (b) by inserting “or civil partner” after “representation made by the spouse”.

166.—The Acts specified in *Part 3* of the *Schedule* are amended as indicated in that *Schedule*.

Property rights.

30 **167.**—The Acts specified in *Part 4* of the *Schedule* are amended as indicated in that *Schedule*.

Redress provisions.

168.—The Acts specified in *Part 5* of the *Schedule* are amended as indicated in that *Schedule*.

Other miscellaneous provisions.

PART 15

COHABITANTS

35 **169.**—In this Part—

Definitions.

“cohabitant” has the meaning assigned to it in *section 170*;

“court” means the High Court, the Circuit Court or the District Court;

“dependent child”, in relation to a cohabitant or a couple of cohabitants, means any child of whom both the cohabitants are the parents and who is—

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(a) under the age of 18 years, or

(b) 18 years of age or over and is—

(i) receiving full-time education or instruction at any university, college, school or other educational establishment and is under the age of 23 years, or

10

(ii) incapable of taking care of his or her own needs because of a mental or physical disability.

Cohabitant and qualified cohabitant.

170.—(1) For the purposes of this Part, a cohabitant is one of 2 adults (whether of the same or the opposite sex) who live together as a couple in an intimate and committed relationship and who are not related to each other within the prohibited degrees of relationship or married to each other or civil partners of each other.

15

(2) In determining whether or not 2 adults are cohabitants, the court shall take into account all the circumstances of the relationship and in particular shall have regard to the following:

20

(a) the duration of the relationship;

(b) the basis on which the couple live together;

(c) the degree of financial dependence of either adult on the other and any agreements in respect of their finances;

(d) the degree and nature of any financial arrangements between the adults including any joint purchase of an estate or interest in land or joint acquisition of personal property;

25

(e) whether there are one or more dependent children;

(f) whether one of the adults cares for and supports the children of the other; and

30

(g) the degree to which the adults present themselves to others as a couple.

(3) For the avoidance of doubt a relationship does not cease to be an intimate relationship for the purpose of this section merely because it is no longer sexual in nature.

35

(4) For the purposes of this section, 2 adults are within a prohibited degree of relationship if—

(a) they would be prohibited from marrying each other in the State, or

40

(b) they are in a relationship referred to in the Third Schedule to the Civil Registration Act 2004 inserted by *section 26* of this Act.

5 (5) For the purposes of this Part, a qualified cohabitant means an adult who was in a relationship of cohabitation with another adult and who, immediately before the time that that relationship ended, whether through death or otherwise, was living with the other adult as a couple for a period—

(a) of 2 years or more, in the case where they are the parents of one or more dependent children, and

(b) of 3 years or more, in any other case.

10 (6) Notwithstanding *subsection (5)*, an adult who would otherwise be a qualified cohabitant is not a qualified cohabitant if—

(a) one or both of the adults is or was, at any time during the relationship concerned, an adult who was married to someone else, and

15 (b) at the time the relationship concerned ends, each adult who is or was married has not lived apart from his or her spouse for a period or periods of at least 4 years during the previous 5 years.

20 **171.**—(1) A qualified cohabitant may, subject to any agreement under *section 199*, apply to the court, on notice to the other cohabitant, for an order under *sections 172, 173 and 185* or any of them.

Application for redress in respect of economically dependent qualified cohabitant.

25 (2) If the qualified cohabitant satisfies the court that he or she is financially dependent on the other cohabitant and that the financial dependence arises from the relationship or the ending of the relationship, the court may, if satisfied that it is just and equitable to do so in all the circumstances, make the order concerned.

(3) In determining whether or not it is just and equitable to make an order in all the circumstances, the court shall have regard to—

30 (a) the financial circumstances, needs and obligations of each qualified cohabitant existing as at the date of the application or which are likely to arise in the future,

(b) subject to *subsection (5)*, the rights and entitlements of any spouse or former spouse,

(c) the rights and entitlements of any civil partner or former civil partner,

35 (d) the rights and entitlements of any dependent child or of any child of a previous relationship of either cohabitant,

(e) the duration of the parties' relationship, the basis on which the parties entered into the relationship and the degree of commitment of the parties to one another,

40 (f) the contributions that each of the cohabitants made or is likely to make in the foreseeable future to the welfare of the cohabitants or either of them including any contribution made by each of them to the income, earning capacity or property and financial resources of the other,

45 (g) any contributions made by either of them in looking after the home,

(h) the effect on the earning capacity of each of the cohabitants of the responsibilities assumed by each of them during the period they lived together as a couple and the degree to which the future earning capacity of a qualified cohabitant is impaired by reason of that qualified cohabitant having relinquished or foregone the opportunity of remunerative activity in order to look after the home, 5

(i) any physical or mental disability of the qualified cohabitant, and

(j) the conduct of each of the cohabitants, if the conduct is such that, in the opinion of the court, it would be unjust to disregard it. 10

(4) The court may order that notice be given to any other person that it specifies and may hear the other person on the terms and in respect of the matters it thinks fit in the interests of justice before making an order referred to in this section. 15

(5) The court shall not make an order referred to in this section in favour of a qualified cohabitant that would affect any right of any person to whom the other cohabitant is or was married.

(6) The court may, on the application of the qualified cohabitant or the other cohabitant, if it considers it proper to do so having regard to any change in the circumstances of the case and to any new evidence, including any change in the circumstances occasioned by a variation by another order of the court made in favour of a person to whom the other cohabitant is or was married, by order— 20
25

(a) vary or discharge an order under *section 173* or *185*,

(b) suspend any provision of such an order,

(c) suspend temporarily any provision of such an order,

(d) revive the operation of a suspended provision,

(e) further vary an order previously varied under this section, or 30

(f) further suspend or revive the operation of a provision previously suspended or revived under this section.

Property adjustment orders.

172.—(1) An order under this section may provide for one or more of the following matters: 35

(a) the transfer by either of the cohabitants to or for the benefit of the other, of specified property in which the cohabitant has an interest either in possession or reversion;

(b) the settlement to the satisfaction of the court of specified property in which the cohabitant has an interest either in possession or reversion, for the benefit of the other cohabitant or of a dependent child; 40

(c) the variation for the benefit of either of the cohabitants or of a dependent child of an agreement referred to in 45

section 199 (subject to *section 199(4)*) or another settlement (including one made by will or codicil) made on the cohabitants; and

5 (d) the extinguishment or reduction of the interest of either of the cohabitants under an agreement referred to in *section 199* (subject to *section 199(4)*).

10 (2) Before making an order under this section, the court shall have regard to whether in all the circumstances it would be practicable for the financial needs of the qualified cohabitant to be met by an order made under *section 173* or *185*, having regard to all the circumstances, including the likelihood of a future change of circumstances of either of the qualified cohabitants.

15 **173.**—(1) The court, on application to it in that behalf by the qualified cohabitant, may, during the lifetime of either of the cohabitants, make one or more of the following orders: Compensatory maintenance orders.

(a) an order that either of the cohabitants make to the other the periodical payments in the amounts, during the period and at the times that may be specified in the order;

20 (b) an order that either of the cohabitants secure to the other, to the satisfaction of the court, the periodical payments of the amounts, during the period and at the times that may be specified in the order; and

25 (c) an order that either of the cohabitants make to the other a lump sum payment or lump sum payments of the amount or amounts and at the time or times that may be specified in the order.

30 (2) The court may order a qualified cohabitant to pay a lump sum to the other qualified cohabitant to meet any liabilities or expenses reasonably incurred by the other qualified cohabitant in maintaining himself or herself before the making of an application by the other qualified cohabitant for an order under *subsection (1)*.

35 (3) An order under this section for the payment of a lump sum may provide for the payment of the lump sum by instalments of the amounts that may be specified in the order and may require the payment of the instalments to be secured to the satisfaction of the court.

40 (4) The period specified in an order under *subsection (1)(a)* or *(b)* shall begin not earlier than the date of the application for the order and shall end not later than the date of death of the first qualified cohabitant to die.

45 (5) An order made under *subsection (1)(a)* or *(b)* ceases to have effect on the marriage or registration in a civil partnership, or in a legal relationship that is the subject of an order under *section 5*, of the qualified cohabitant in whose favour the order was made, except as respects payments due under it on the date of the marriage or registration.

50 (6) The court shall not make an order under this section in favour of a qualified cohabitant who has married or registered in a civil partnership, or in a legal relationship that is the subject of an order under *section 5*.

(7) The court that makes an order under *subsection (1)(a)* shall, in the same proceedings, make an attachment of earnings order under *section 174* to secure payments under the order if it is satisfied, after taking into consideration any representations on the matter made to it by the qualified cohabitant ordered to make payments under that subsection, that— 5

(a) the order is desirable to secure payments under an order under *subsection (1)(a)* and any variations and affirmations of that order, and

(b) the person against whom the attachment of earnings order is made is a person to whom earnings fall to be paid. 10

Attachment of earnings order.

174.—(1) For the purposes of this section and *sections 175 to 184—*

“antecedent order” means an order under *section 173*;

“attachment of earnings order” means an order directing that an employer deduct from the maintenance debtor’s earnings, at the times specified in the order, periodical deductions of the appropriate amounts specified in the order, having regard to the normal deduction rate and the protected earnings rate; 15

“employer” includes a trustee of a pension scheme under which the maintenance debtor is receiving periodical pension benefits; 20

“maintenance creditor” in relation to an attachment of earnings order, means the qualified cohabitant who applied for the order;

“maintenance debtor” means a qualified cohabitant who is required by an antecedent order to make payments; 25

“normal deduction rate” means the rate at which the court considers it reasonable that the earnings to which the attachment of earnings order relates should be applied in satisfying an antecedent order, not exceeding the rate that appears to the court to be necessary for—

(a) securing payment of the sums falling due from time to time under the antecedent order, and 30

(b) securing payment within a reasonable period of any sums already due and unpaid under the antecedent order and any costs incurred in proceedings relating to the antecedent order payable by the maintenance debtor; 35

“protected earnings rate” means the rate below which, having regard to the needs of the maintenance debtor, the court considers it proper that the relevant earnings should not be reduced by a payment made in pursuance of the attachment of earnings order.

(2) The court may, on application to it on that behalf, make an attachment of earnings order if it is satisfied that the maintenance debtor is a person to whom earnings fall to be paid and that the order is desirable to secure payments under the antecedent order and any amendments, variations and affirmations of it. 40

(3) The court that makes an antecedent order, or an order that makes, varies or affirms on appeal an antecedent order, shall make an attachment of earnings order in the same proceedings if it is satisfied of the things mentioned in *subsection (2)*. 45

(4) A person to whom an attachment of earnings order is directed shall pay the amounts ordered to be deducted to the maintenance creditor or to the District Court clerk specified in the order for transmission to the maintenance creditor.

5 (5) Before deciding whether to make or refuse to make an attachment of earnings order, the court shall give the maintenance debtor an opportunity to make representations, and shall have regard to any representations made, relating to whether the maintenance debtor—

(a) is a person to whom earnings fall to be paid, and

10 (b) would make the payments to which the relevant order relates.

(6) The court shall include in an attachment of earnings order the particulars required so that the person to whom the order is directed may identify the maintenance debtor.

15 (7) Payments under an attachment of earnings order are in lieu of payments of the like amount under the antecedent order that have not been made and that, but for the attachment of earnings order, would fall to be made under the antecedent order.

20 **175.**—(1) The court registrar or court clerk specified in the attachment of earnings order shall cause the order to be served on the person to whom it is directed and on any person who subsequently becomes the maintenance debtor’s employer and of whom the registrar or clerk becomes aware. Compliance with attachment of earnings order.

25 (2) The service may be effected by leaving the order or a copy of it at the person’s residence or place of business in the State, or by sending the order or a copy of it, by registered prepaid post, to that residence or place of business.

30 (3) A person to whom an attachment of earnings order is directed shall comply with it if it is served on him or her but is not liable for non-compliance before 10 days have elapsed since the service.

35 (4) If a person to whom an attachment of earnings order is directed is not the maintenance debtor’s employer or ceases to be the maintenance debtor’s employer, the person shall, within 10 days from the service or the date of cesser, give notice of that fact to the court.

(5) The person shall give to the maintenance debtor a statement in writing of the total amount of every deduction made from a maintenance debtor’s earnings in compliance with an attachment of earnings order.

40 **176.**—Payments made to a court clerk under an attachment of earnings order shall, when transmitted by the clerk to the maintenance creditor, be deemed to be payments made by the maintenance debtor so as to discharge— Application of sums received by clerk.

(a) firstly, any sums payable under the antecedent order, and

45 (b) secondly, any costs in proceedings relating to the antecedent order payable by the maintenance debtor when the attachment of earnings order was made or last varied.

Statement as to earnings.

177.—(1) In relation to an attachment of earnings order or an application for one, the court may, before or at the hearing or while the order is in force, order—

- (a) the maintenance debtor to give to the court, within a specified period, a signed statement in writing specifying— 5
 - (i) the name and address of every employer of the maintenance debtor,
 - (ii) particulars as to the debtor's earnings and expected earnings, and resources and needs, and
 - (iii) particulars for enabling the employers to identify the maintenance debtor, 10
- (b) a person appearing to the court to be an employer of the maintenance debtor to give to the court, within a specified period, a statement signed by the person, or on his or her behalf, of specified particulars of the debtor's earnings and expected earnings. 15

(2) Notice of an application for an attachment of earnings order served on a maintenance debtor may include a requirement that the maintenance debtor give to the court, within the period and in the manner specified in the notice, a statement in writing of the matters referred to in *subsection (1)(a)* and of any other matters which are or may be relevant to the determination of the normal deduction rate and the protected earnings rate to be specified in the order. 20

(3) In any proceedings in relation to an attachment of earnings order, a statement given to the court in compliance with an order under *paragraph (a)* or *(b)* of *subsection (1)* or with a requirement under *subsection (2)* is admissible as evidence of the facts stated in it and a document purporting to be such a statement is deemed, unless the contrary is shown, to be a statement so given. 25

Notification of changes of employment and earnings.

178.—Where an attachment of earnings order is in force— 30

- (a) the maintenance debtor shall notify in writing the court that made the order of every occasion on which he or she leaves employment, or becomes employed or re-employed, not later than 10 days after doing so,
- (b) the maintenance debtor shall, on any occasion on which he or she becomes employed or re-employed, include in the notification particulars of his or her earnings and expected earnings, and 35
- (c) any person who becomes an employer of the maintenance debtor and who knows that the order is in force and by which court it was made shall, within 10 days of the later of the date of becoming an employer of the maintenance debtor and the date of acquiring the knowledge, notify the court in writing that he or she has become an employer, and include in the notification a statement of the debtor's earnings and expected earnings. 40 45

Power to determine whether particular payments are earnings.

179.—(1) Where an attachment of earnings order is in force, the court that made the order shall, on the application of the maintenance debtor's employer, the maintenance debtor or the person to

whom payments are being made under the order, determine whether payments or portions of payments being made to the maintenance debtor that are of a class or description specified in the application are earnings for the purpose of the order.

5 (2) Where an application is made by the employer under *subsection (1)*, the employer is not liable for non-compliance with the order as respects any payments or portions of payments of the class or description specified by the application that he or she makes while the application, a determination in relation to it or an appeal from
10 the determination is pending.

(3) *Subsection (2)* does not apply if the employer subsequently withdraws the application or abandons the appeal.

180.—(1) This section applies when a maintenance debtor is in the service of the State, a local authority within the meaning of the
15 Local Government Act 1941, a harbour authority within the meaning of the Harbours Acts 1946 to 2005, the Health Service Executive, a vocational education committee established by the Vocational Education Act 1930, a committee of agriculture established by the Agriculture Act 1931, or another body if his or her earnings are paid
20 directly out of moneys paid by the Oireachtas or from the Central Fund, or is a member of either House of the Oireachtas.

Persons in service of State, local authority, etc.

(2) For the purposes of *sections 174 to 184*, the following officers are regarded as being the employers of the maintenance debtor and the earnings paid to the maintenance debtor out of the Central Fund
25 or out of moneys provided by the Oireachtas are regarded as having been paid by them:

(a) in the case where the maintenance debtor is employed in a department, office, organisation, service, undertaking or other body, its chief officer, or any other officer that
30 may be designated from time to time by the Minister of the Government by whom that body is administered;

(b) in the case where the maintenance debtor is in the service of an authority or body, its chief officer; and

(c) in any other case, where the maintenance debtor is paid
35 out of the Central Fund or out of moneys provided by the Oireachtas, the Secretary of the Department of Finance or any other officer that may be designated from time to time by the Minister for Finance.

(3) A question that arises in proceedings for or arising out of an
40 attachment of earnings order as to which body employs a maintenance debtor may be referred to and determined by the Minister for Finance, but he or she is not obliged to consider the reference unless it is made by the court.

(4) A document purporting to contain a determination by the
45 Minister for Finance under *subsection (3)* and to be signed by an officer of that Minister shall, in any proceedings mentioned in that subsection, be admissible in evidence and be deemed, unless the contrary is shown, to contain an accurate statement of that determination.

Discharge, variations and lapse of attachment of earnings order.

181.—(1) The court that made an attachment of earnings order may, if it thinks fit, on the application of the maintenance creditor, the maintenance debtor or the clerk on whose application the order was made, make an order discharging or varying that order.

(2) The employer on whom an order varying an attachment of earnings order is served shall comply with it but is not liable for non-compliance before 10 days have elapsed since the service. 5

(3) If an employer affected by an attachment of earnings order ceases to be the maintenance debtor's employer, the order lapses insofar as that employer is concerned, except as respects deductions from earnings paid by the employer after the cesser and payment to the maintenance creditor of deductions from earnings made at any time by that employer. 10

(4) The lapse of an order under *subsection (3)* does not prevent its remaining in force for other purposes. 15

Cesser of attachment of earnings order.

182.—(1) An attachment of earnings order ceases to have effect upon the discharge of the relevant antecedent order, except as regards payments under the attachment of earnings order in respect of any time before the date of the discharge.

(2) The clerk or registrar of the court that made the attachment of earnings order shall give notice of a cesser to the employer. 20

Other remedies.

183.—(1) Where an attachment of earnings order has been made, any proceedings commenced under subsection (1) of section 8 of the Enforcement of Court Orders Act 1940 for the enforcement of the relevant antecedent order lapses and any warrant or order issued or made under that subsection ceases to have effect. 25

(2) An attachment of earnings order ceases to have effect on the making of an order under section 8 of the Enforcement of Court Orders Act 1940 for the enforcement of the relevant antecedent order. 30

Enforcement.

184.—(1) A maintenance creditor who fails to obtain a sum of money due under an attachment of earnings order, or the clerk to whom the sum falls to be paid, may sue for the sum as a simple contract debt in any court of competent jurisdiction, if the failure to obtain the sum is caused by— 35

(a) a person failing, without reasonable excuse, to comply with *section 175(3)* or (4), or 178, or an order under *section 177* or *181(2)*, or

(b) a person, without reasonable excuse, giving a false or misleading statement under *section 177(1)* or notification under *section 178*. 40

(2) A person who gives to a court a statement pursuant to *section 177* or a notification under *section 178* that he or she knows to be false or misleading commits an offence and is liable on summary conviction to a fine not exceeding €254 or to imprisonment for a term not exceeding six months or to both. 45

(3) A person who contravenes *section 175(3)* commits an offence and is liable on summary conviction to a fine not exceeding €63.

“Act of 1990” means the Pensions Act 1990;

“active member” in relation to a scheme, means a member of the scheme who is in reckonable service;

5 “actuarial value” means the equivalent cash value of a benefit (including, where appropriate, provision for any revaluation of the benefit) under a scheme calculated by reference to appropriate financial assumptions and making due allowance for the probability of survival to normal pensionable age and beyond in accordance with
10 normal life expectancy on the assumption that the member, at the effective date of calculation, is in a normal state of health having regard to his or her age;

15 “approved arrangement”, in relation to the trustees of a scheme, means an arrangement whereby the trustees, on behalf of the person for whom the arrangement is made, effect policies or contracts of insurance that are approved of by the Revenue Commissioners with, and make the appropriate payments under the policies or contracts to, one or more undertakings;

20 “contingent benefit” means a benefit payable under a scheme, other than a payment under *section 187(4)*, to or for the benefit of the surviving qualified cohabitant (if the scheme so permits) or to or for the benefit of, any dependants of the member qualified cohabitant or the personal representative of the member qualified cohabitant,
25 if the member qualified cohabitant dies while in relevant employment and before attaining any normal pensionable age provided for under the rules of the scheme;

“defined contribution scheme” has the meaning assigned to it by section 2(1) (as amended by section 29(1)(a)(ii) of the Social Welfare and Pensions Act 2008) of the Act of 1990;

30 “designated benefit” in relation to a pension adjustment order, means an amount determined by the trustees of a scheme, in accordance with relevant guidelines and by reference to the period and the percentage of the retirement benefit specified in an order under
subsection (2);

35 “member qualified cohabitant” in relation to a scheme, means a qualified cohabitant who is a member of the scheme;

40 “normal pensionable age” means the earliest age at which a member of a scheme is entitled to receive benefits under the rules of the scheme on retirement from relevant employment, disregarding any rules providing for early retirement on grounds of ill health or otherwise;

“occupational pension scheme” has the meaning assigned to it by section 2(1) of the Act of 1990;

45 “reckonable service” means service in relevant employment during membership in any scheme;

“relevant guidelines” means any relevant guidelines for the time being in force under section 10(1)(c) or (cc) (as amended by section 5 of the Pensions (Amendment) Act 1996, section 47(c) of the Family Law (Divorce) Act 1996, section 13(b) of the Pensions (Amendment)

Act 2002 and section 37 of the Social Welfare and Pensions Act 2007) of the Act of 1990;

“relevant employment” in relation to a scheme, means any employment, or any period treated as employment, or any period of self-employment to which a scheme applies; 5

“retirement benefit”, in relation to a scheme, means all benefits, other than contingent benefits, payable under the scheme;

“rules”, in relation to a scheme, means the provisions of the scheme by whatever name called;

“scheme” means— 10

- (a) an occupational pension scheme within the meaning of the Pensions Act 1990,
- (b) an annuity contract approved by the Revenue Commissioners under section 784 of the Taxes Consolidation Act 1997, or a contract so approved under section 785 of that Act, 15
- (c) a trust scheme, or part of a trust scheme, approved under section 784(4) or 785(5) of that Act,
- (d) a policy or contract of assurance approved by the Revenue Commissioners under Chapter 1 of Part 30 of the Taxes Consolidation Act 1997, or 20
- (e) another scheme or arrangement, including a personal pension plan and a scheme or arrangement established by or pursuant to statute or instrument made under statute other than under the Social Welfare Acts, that provides 25 or is intended to provide either or both of the following:
 - (i) benefits for a person who is a member of the scheme or arrangement upon retirement at normal pensionable age or upon earlier or later retirement or upon leaving or upon the ceasing of the relevant employment, and 30
 - (ii) benefits for the widow, widower or dependants of the person referred to in *subparagraph (i)*, for his or her civil partner or the person that was his or her civil partner until the death of the person referred to in *subparagraph (i)*, for his or her qualified cohabitant or the person that was his or her qualified cohabitant until the death of the person referred to in *subparagraph (i)* or for any other persons, on the death of that person; 35 40

“transfer amount” shall be construed in accordance with *subsection (4)*;

“undertaking” has the same meaning as “ ‘insurance undertaking’ or ‘undertaking’ ” in section 2(1) (as inserted by section 3(1) of the Insurance Act 2000) of the Insurance Act 1989. 45

(2) The court, on application to it in that behalf by either of the qualified cohabitants, may, during the lifetime of a member qualified cohabitant, make an order providing for the payment, in accordance with this section and *sections 186 to 190*, to the other qualified

cohabitant of a benefit consisting of the part of the benefit that is payable under the scheme and has accrued at the time of the making of the order, or of the part of that part, that the court considers appropriate.

- 5 (3) The order under *subsection (2)* shall specify—
- (a) the period of reckonable service of the member qualified cohabitant to be taken into account, and
 - (b) the percentage of the retirement benefit accrued during the period to be paid to the other qualified cohabitant.

10 (4) Where the court makes an order under *subsection (2)* in favour of a qualified cohabitant and payment of the designated benefit concerned has not commenced, the qualified cohabitant is entitled to the application in accordance with *section 187(1)* of an amount of money from the scheme (in this subsection referred to as a “transfer amount”) equal to the value of the designated benefit as determined
15 by the trustees of the scheme in accordance with relevant guidelines.

(5) The court, on application to it in that behalf by either of the qualified cohabitants, may make an order providing for the payment, on the death of the member qualified cohabitant, to the other qualified cohabitant of that part of a contingent benefit that is payable
20 under the scheme, or of the part of that part, that the court considers appropriate.

(6) In deciding whether or not to make a pension adjustment order, the court shall have regard to whether proper provision, having regard to the circumstances, exists or can be made for the qualified cohabitant who is not a member under *section 173*.
25

186.—(1) A person who makes an application under *section 185(2)* or (5) shall give notice of the application to the trustees of the scheme. The court shall, in deciding whether to make the order and in determining the provisions of the order, have regard to representations made by the persons to whom notice has been given under this section.
30

Procedural provisions respecting pension adjustment orders.

(2) An order referred to in *subsection (1)* ceases to have effect on the entry into a civil partnership, marriage or death of the person in
35 whose favour the order was made.

(3) The court may, in making an order referred to in *subsection (1)*, give to the trustees of the scheme any directions that it considers appropriate, including a direction that would require the trustees not to comply with the rules of the scheme or the Act of 1990.

40 (4) Notwithstanding *subsection (3)*, a direction given under that subsection shall not permit a payment under *section 185(5)* unless the scheme concerned expressly provides for payments of contingent benefits to cohabitants.

(5) The registrar or clerk of the court that makes an order
45 referred to in *subsection (1)* shall cause a copy of the order to be served on the trustees of the scheme.

187.—(1) Subject to *section 188(4)*, the trustees of a scheme in respect of which an order has been made under *section 185(2)* shall, where the conditions set out in *subsection (2)* are present, apply, in
Rules respecting payments under schemes.

accordance with relevant guidelines, the transfer amount calculated in accordance with those guidelines—

(a) if the trustees and the qualified cohabitant so agree, in providing a benefit for or in respect of the qualified cohabitant that is of the same actuarial value as the transfer amount, or 5

(b) in making a payment, at the option of the qualified cohabitant—

(i) to another occupational pension scheme whose trustees agree to accept the payment, or 10

(ii) to discharge another payment falling to be made by the trustees under any such other approved arrangement.

(2) The conditions referred to in *subsection (1)* are:

(a) the court has made an order under *section 185(2)* in favour of the qualified cohabitant; 15

(b) payment of the designated benefit has not commenced;

(c) the qualified cohabitant has applied to the trustees in that behalf; and

(d) the qualified cohabitant furnishes the information that the trustees require. 20

(3) Subject to *section 188(4)*, trustees of a defined contribution scheme in respect of which an order has been made under *section 185(2)* may, if the qualified cohabitant has not made an application under *subsections (1)* and *(2)*, apply in accordance with relevant guidelines the transfer amount calculated in accordance with those guidelines to make a payment, at their option— 25

(a) to another occupational pension scheme whose trustees agree to accept the payment, or

(b) to discharge another payment falling to be made by the trustees under any such other approved arrangement. 30

(4) Subject to *section 188(4)*, the trustees of a scheme in respect of which an order has been made under *section 185(2)* shall, within 3 months of the death of a member qualified cohabitant who dies before the payment of the designated benefit has commenced, provide for the payment to the other qualified cohabitant of an amount that is equal to the transfer amount calculated in accordance with relevant guidelines. 35

(5) Subject to *section 188(4)*, the trustees of a scheme in respect of which an order has been made under *section 185(2)* may, if the member qualified cohabitant ceases to be a member otherwise than on death, apply, in accordance with relevant guidelines, the transfer amount under the scheme, at their option— 40

(a) if the trustees and the other qualified cohabitant so agree, in providing a benefit for or in respect of that qualified cohabitant that is of the same actuarial value as the transfer amount, or 45

(b) in making a payment, either—

(i) to another occupational pension scheme whose trustees agree to accept the payment, or

5

(ii) to discharge another payment falling to be made by the trustees under any such other approved arrangement.

10

(6) Subject to *section 188(4)*, the trustees of a scheme in respect of which an order has been made under *section 185(2)* shall, within 3 months of the death of the qualified cohabitant who is not the member and who dies before payment of the designated benefit has commenced, provide for the payment to the personal representative of that qualified cohabitant of an amount that is equal to the transfer amount calculated in accordance with relevant guidelines.

15

20

(7) Subject to *section 188(4)*, the trustees of a scheme in respect of which an order has been made under *section 185(2)* shall, within 3 months of the death of the qualified cohabitant who is not the member and who dies after payment of the designated benefit has commenced, provide for the payment to the personal representative of that qualified cohabitant of an amount that is equal to the actuarial value, calculated in accordance with relevant guidelines, of the part of the designated benefit that, but for the death of that qualified cohabitant, would have been payable to him or her during his or her lifetime.

25

(8) The trustees of a scheme in respect of which an order has been made under *section 185(2)* or (5) shall, within 12 months of the member qualified cohabitant's ceasing to be a member, notify the registrar or clerk of the court and the other qualified cohabitant of the cessation, if the trustees have not applied the transfer amount in accordance with any of *subsections (1) to (6)*.

30

(9) The trustees of a scheme who apply a transfer amount under *subsection (3)* or (5) shall notify the qualified cohabitant who is not the member and the registrar or clerk of the court, giving particulars to that qualified cohabitant of the scheme and the transfer amount.

35

188.—(1) A benefit payable pursuant to an order made under *section 185(2)*, or a contingent benefit payable pursuant to an order made under *section 185(5)*, is payable out of the resources of the scheme and, unless the order or relevant guidelines provide otherwise, in accordance with the rules of the scheme and those guidelines. Payments further to orders under *section 185*.

40

45

(2) The amount of retirement benefit payable to the member qualified cohabitant, or the amount of contingent benefit payable to or in respect of the member qualified cohabitant, in accordance with the rules of the relevant scheme shall be reduced by the designated benefit or contingent benefit payable pursuant to an order made under *section 185(2)* or (5), as the case may be, to the other qualified cohabitant.

50

(3) The amount of contingent benefit payable in accordance with the rules of the scheme in respect of a member qualified cohabitant who dies before the payment of the designated benefit payable pursuant to an order under *section 185(2)* has commenced shall be reduced by the amount of the payment made under *section 187(4)*.

(4) Trustees who make a payment or apply a transfer amount under any of *subsections (1) to (7)* of *section 187* are discharged from

any obligation to make further payment or apply another transfer amount under any of those subsections in respect of the benefit payable pursuant to the order made under *section 185(2)*.

(5) A trustee is not liable for any loss or damage caused by complying with a direction referred to in *section 186(3)* rather than the rules of the scheme or the Act of 1990. 5

Costs.

189.—(1) The court may determine the manner in which the costs incurred by the trustees of a scheme further to an order under *section 185* are to be borne, including by one or the other of the qualified cohabitants or by both of them in the proportions that the court may determine, and in default of a determination, the qualified cohabitants shall bear those costs equally. 10

(2) The court may, on application to it by the trustees, order that an amount ordered to be paid by a qualified cohabitant under *subsection (1)* that has not been paid be deducted from any benefits payable to the qualified cohabitant— 15

(a) pursuant to an order made under *section 185*, if the qualified cohabitant is the beneficiary of the order; and

(b) pursuant to the scheme, if the qualified cohabitant is the member qualified cohabitant. 20

Value of benefit calculation.

190.—For the purposes of this section and *sections 185* to *189*, the court may, of its own motion, and shall, if so requested by either of the qualified cohabitants or another concerned person, direct the trustees of the scheme to provide the qualified cohabitants or the other person and the court, within a specified period of time— 25

(a) with a calculation of the value and amount, determined in accordance with relevant guidelines, of the retirement benefit or contingent benefit that is payable or that would have been payable under the scheme and has accrued at the time of making the order, and 30

(b) with a calculation of the amount of the contingent benefit that is payable or that would have been payable, under the scheme.

Mediation and other alternatives to proceedings.

191.—(1) The court may adjourn or further adjourn proceedings under *section 171* at any time for the purpose of enabling the cohabitants to attempt, if they both so wish, with or without the assistance of a third party— 35

(a) to reconcile, or

(b) to reach agreement on some or all of the terms of a possible settlement between them. 40

(2) Either or both of the cohabitants may at any time request that the hearing of proceedings adjourned under *subsection (1)* be resumed as soon as may be and, if a request is made, the court shall, subject to any other power of the court to adjourn proceedings, resume the hearing. 45

(3) The powers conferred by this section are additional to any other power of the court to adjourn proceedings.

5 (4) The court may, at its discretion when adjourning proceedings under this section, advise the cohabitants to seek the assistance of a mediator or other third party in relation to the cohabitants' proposed reconciliation or reaching of an agreement between them on some or all of the terms of a possible settlement.

10 **192.—(1)** A qualified cohabitant may, after the death of his or her cohabitant but not more than 6 months after representation is first granted under the Succession Act 1965 in respect of that cohabitant's estate, apply for an order under this section for provision out of the net estate. Application for provision from estate of deceased cohabitant.

15 (2) The court may by order make the provision for the applicant that the court considers appropriate having regard to the rights of any other person having an interest in the matter, if the court is satisfied that proper provision in the circumstances was not made for the applicant during the lifetime of the deceased for any reason other than conduct by the applicant that, in the opinion of the court, it would in all the circumstances be unjust to disregard.

20 (3) In considering whether to make an order under this section, the court shall have regard to all the circumstances of the case, including—

- (a) an order made under *section 172, 173 or 185* in favour of the applicant,
- (b) a devise or bequest made by the deceased in favour of the applicant,
- 25 (c) the interests of the beneficiaries of the estate, and
- (d) the factors set out in *section 171(3)*.

30 (4) The applicant shall give notice of an application under this section to the personal representative of the deceased, any spouse or civil partner of the deceased and to any other persons that the court may direct and, in deciding whether to make the order and in determining the provisions of the order, the court shall have regard to any representations made by any of those persons.

35 (5) The total value for the applicant of the provision made by an order referred to in *subsection (3)(a)* on the date on which that order was made and an order made under this section shall not exceed any share of the applicant in the estate of the deceased qualified cohabitant to which the applicant would have been entitled if the qualified cohabitants had been spouses or civil partners of each other.

40 (6) If the qualified cohabitant does not notify the personal representative as required by *subsection (4)*, the personal representative may distribute the assets of the deceased qualified cohabitant or any part of them amongst the persons entitled to them and is not liable to the qualified cohabitant for that distribution.

45 (7) Nothing in this section prejudices the rights of the qualified cohabitant to follow assets into the hands of a person who has received them.

(8) An order under this section shall not affect the legal right of a surviving spouse.

(9) For the purposes of this section, “net estate”, with respect to the estate of a person, means the estate that remains after provision for the satisfaction of—

- (a) other liabilities of the estate having priority over the rights referred to in *paragraphs (b) and (c)*, 5
- (b) any rights, under the Succession Act 1965, of any surviving spouse of the person, and
- (c) any rights, under the Succession Act 1965, of any surviving civil partner of the person.

Limitation period. **193.**—Proceedings under this Part other than proceedings under *section 192*, shall, save in exceptional circumstances, be instituted within 2 years of the time that the relationship between the cohabitants ends, whether through death or otherwise. 10

Particulars of property. **194.**—(1) In proceedings under this Part, each of the qualified cohabitants shall give to the other the particulars of his or her property or income that may be reasonably required for the purposes of the proceedings. 15

(2) The court may direct a person who fails or refuses to comply with *subsection (1)* to comply with it.

(3) A qualified cohabitant who fails or refuses to comply with *subsection (1)* or a direction under *subsection (2)* commits an offence and is liable on summary conviction to a fine not exceeding €254, or to imprisonment for a term not exceeding 6 months, or to both. 20

Conduct of proceedings. **195.**—(1) Proceedings under this Part shall be as informal as is practicable and consistent with the administration of justice. 25

(2) A judge sitting to hear and determine proceedings under this Part, and a barrister or solicitor appearing in the proceedings, shall not wear a wig or a gown.

Privacy. **196.**—Subject to the provisions of section 40 of the Civil Liability and Courts Act 2004, proceedings under this Part shall be heard otherwise than in public. 30

Costs. **197.**—The costs in proceedings under this Part are at the discretion of the court.

Rules of court. **198.**—(1) Rules of court shall provide for the documentation required for the commencement of proceedings under this Part in a summary manner. 35

(2) Rules of court may make provision, in cases where one or both of the parties to an application under *section 173* or *185*, or to an application to vary an order under one of those sections, is or was married, for— 40

- (a) the adjournment of those proceedings or any proceedings for the financial support of the person to whom the party is or was married,

(b) the postponement of an order made under any of the proceedings referred to in *paragraph (a)*, or

(c) any other procedure reasonably required in order to ensure that that party's financial circumstances are taken into account in the proceedings.

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199.—(1) Notwithstanding any enactment or rule of law, cohabitants may enter into a cohabitants' agreement to provide for financial matters during the relationship or when the relationship ends, whether through death or otherwise.

Validity of certain agreements between cohabitants.

10 (2) A cohabitants' agreement is valid only if—

(a) the cohabitants—

(i) have each received independent legal advice before entering into it, or

(ii) have received legal advice together and have waived in writing the right to independent legal advice,

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(b) the agreement is in writing and signed by both cohabitants, and

(c) the general law of contract is complied with.

(3) Subject to *subsection (4)*, a cohabitants' agreement may provide that neither cohabitant may apply for an order for redress referred to in *section 171*.

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(4) The court may vary or set aside a cohabitants' agreement in exceptional circumstances, where its enforceability would cause serious injustice.

(5) An agreement that meets the other criteria of this section shall be deemed to be a cohabitants' agreement under this section even if entered into before the cohabitation has commenced.

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200.—Section 39(3)(a)(ii) of the Residential Tenancies Act 2004 is amended by substituting “was the tenant's cohabitant within the meaning of *section 170* of the *Civil Partnership Act 2009* and lived with the tenant” for “cohabited with the tenant as husband and wife”.

Amendment of section 39 of Residential Tenancies Act 2004.

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201.—Paragraph (c) of the definition of “dependant” in section 47(1) (as substituted by section 1 of the Civil Liability (Amendment) Act 1996) of the Civil Liability Act 1961 is amended by substituting “as the deceased's cohabitant within the meaning of *section 170* of the *Civil Partnership Act 2009*” for “husband and wife”.

Amendment of section 47 of Civil Liability Act 1961.

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202.—Paragraph 3(1) of the First Schedule of the Powers of Attorney Act 1996 is amended—

Amendment of Powers of Attorney Act 1996.

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(a) in subparagraph (h) by substituting “blood;” for “blood.”, and

(b) by inserting the following:

“(i) the donor’s qualified cohabitant, within the meaning of *section 170* of the *Civil Partnership Act 2009*.”.

Amendment of Domestic Violence Act 1996.

203.—The Domestic Violence Act 1996 is amended—

- (a) in subparagraph (ii) of the definition of “the applicant” in section 2(1)(a), by substituting “was the respondent’s cohabitant within the meaning of *section 170* of the *Civil Partnership Act 2009* and lived with the respondent” for “has lived with the respondent as husband or wife for a period of at least 6 months in aggregate during the period of 12 months”, and 5 10
- (b) in section 3(1)(b), by substituting “was the respondent’s cohabitant within the meaning of *section 170* of the *Civil Partnership Act 2009* and lived with the respondent” for “has lived with the respondent as husband or wife”. 15

Transitional provision — redress orders.

204.—An order for redress referred to in *section 171* shall only be made if the application for it is made with respect to a relationship that ends, whether by death or otherwise, after the commencement of this section but the time during which two persons lived as a couple before the commencement date is included for the purposes of calculating whether they are qualified cohabitants within the meaning of this Part. 20

Transitional provision — agreements.

205.—Nothing in *section 199(2)* prevents a court from enforcing an agreement entered into between two persons before the commencement of this Part. 25

PART 16

MISCELLANEOUS

Saver in relation to rights of others.

206.—In making an order under this Act and in particular in making a maintenance order, lump sum order, property adjustment order, pension adjustment order or order for provision from the estate of a deceased person, the court shall have regard to the rights of any other person with an interest in the matter, including a spouse or former spouse and a civil partner or former civil partner. 30

CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

PART 1

CONFLICTS OF INTERESTS PROVISIONS

Item	Act	Provision	Amendment
1.	Companies Act 1963	Section 193(1)	substitute "himself or herself and to his or her spouse or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> " for "himself and to his spouse"
2.	Companies Act 1963	Section 301A(4)(a) (inserted by section 147 of Companies Act 1990)	insert "civil partner within the meaning of the <i>Civil Partnership Act 2009</i> " after "spouse"
3.	Companies Act 1963	Section 315(1)(c) (substituted by section 170 of Companies Act 1990)	insert ", civil partner within the meaning of the <i>Civil Partnership Act 2009</i> " after "spouse"
4.	Housing (Private Rented Dwellings) (Amendment) Act 1983	Section 14(5)	(a) substitute "he or she or his or her spouse or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> " for "he or his spouse" wherever it appears; (b) substitute "any" for "either" in paragraph (b)
5.	Farm Tax Act 1985	Paragraph 14(2) of the Schedule	insert "or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> " after "spouse" wherever it appears
6.	Building Societies Act 1989	Section 52	insert "or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> " after "spouse" wherever it appears
7.	Building Societies Act 1989	Section 87(2)(e)	insert "or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> " after "spouse" and "his spouse" wherever either of these expressions appear
8.	Trustee Savings Banks Act 1989	Section 21(5)	insert "or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> " after "trustee's spouse"
9.	Companies Act 1990	Section 72	(a) delete "family and corporate" from the shoulder note; (b) substitute "his or her spouse or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> " for "his spouse" in section 72(1)
10.	Companies Act 1990	Section 187	insert ", civil partner within the meaning of the <i>Civil Partnership Act 2009</i> " after "spouse" wherever it appears

Item	Act	Provision	Amendment	
11.	Ethics in Public Office Act 1995	Section 2(1)	insert the following definition: “ ‘civil partner’, in relation to a person, means a civil partner within the meaning of the <i>Civil Partnership Act 2009</i> but does not include a civil partner who is living separately and apart from the person;”	5
12.	Ethics in Public Office Act 1995	Section 13(5)	insert “or civil partner” after “spouse” wherever it appears	10
13.	Ethics in Public Office Act 1995	Section 15(2)(b)	insert “or civil partner” after “spouse”	15
14.	Ethics in Public Office Act 1995	Section 15(2)(ii)	insert “or civil partner” after “relative”	
15.	Ethics in Public Office Act 1995	Section 15(4)(a)(ii)	insert “or civil partner” after “spouse”	20
16.	Ethics in Public Office Act 1995	Section 16(1)(a)	(a) insert “or civil partner” after “actual knowledge of his or her spouse” in subparagraph (ii); (b) substitute “spouse or civil partner or child a substantial benefit” for “spouse or child a substantial benefit”	25
17.	Ethics in Public Office Act 1995	Section 17(1)(a)	(a) insert “or civil partner” after “actual knowledge of his or her spouse” in subparagraph (ii); (b) substitute “spouse or civil partner or child a substantial benefit” for “spouse or child a substantial benefit”	30 35
18.	Ethics in Public Office Act 1995	Section 18(1)(a)	(a) insert “or civil partner” after “actual knowledge of his or her spouse” in subparagraph (ii); (b) substitute “spouse or civil partner or child a substantial benefit” for “spouse or child a substantial benefit”	40 45
19.	Ethics in Public Office Act 1995	Section 19(3)(a)(i)	(a) insert “or civil partner” after “actual knowledge of his or her spouse”; (b) substitute “spouse or civil partner or child a substantial benefit” for “spouse or child a substantial benefit”	50
20.	Ethics in Public Office Act 1995	Section 29(2)	(a) substitute “applies or of the spouse or civil partner of such a person” for “applies or of the spouse of such a person” in paragraph (a); (b) substitute “an interest of his or her spouse or civil partner” for “an interest of his or her spouse” in paragraph (c)(i)	55 60
21.	Ethics in Public Office Act 1995	Section 30	substitute “that his or her spouse or civil partner or a child” for “that his or her spouse or a child”	

Item	Act	Provision	Amendment
5 10 15 20	22. Ethics in Public Office Act 1995	Paragraph 1 of the Second Schedule	(a) in subparagraph (4), substitute “private home of the person or of his or her spouse or civil partner,” for “private home of the person or of his or her spouse,”; (b) in subparagraph (5) substitute “relative or civil partner or friend of the person or of his or her spouse or civil partner” for “relative or friend of the person or of his or her spouse” wherever it appears; (c) in subparagraph (6)(b), substitute “relative or civil partner or friend of the person or of his or her spouse or civil partner” for “relative or friend of the person or of his or her spouse”
25	23. Credit Union Act 1997	Section 35(10)	insert “or a civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ,” after “spouse”
	24. Credit Union Act 1997	Section 114(2)(b)	insert “, civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ,” after “spouse”
30	25. Food Safety Authority of Ireland Act 1998	Paragraph (f) of definition of “interests” in section 41(7)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”
35	26. Planning and Development Act 2000	Section 148	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse” wherever it appears
40	27. Aviation Regulation Act 2001	Paragraph (d) of definition of “interests” in section 17(7)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”
45	28. Local Government Act 2001	Definition of “connected person” in section 166(1)	substitute “spouse or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> of the person” for “spouse of the person”
50 55	29. Local Government Act 2001	Section 175(g)(i)	substitute “relative or friend of the person or of his or her spouse or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> or of a child of the person or his or her spouse for purely personal reasons only” for “relative or friend of the person or of his or her spouse or of a child of the person or his or her spouse for purely personal reasons only”
60	30. Transport (Railway Infrastructure) Act 2001	Section 29(2)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “connected relative” wherever it appears
	31. Valuation Act 2001	Paragraph 13 of Schedule 2	(a) insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse” in subparagraph (2) wherever it appears;

Item	Act	Provision	Amendment	
			<p>(b) substitute the following for the definition of “relative” in subparagraph (10):</p> <p>“ ‘relative’, in relation to a person, means a brother, sister, parent, spouse, or civil partner within the meaning of the <i>Civil Partnership Act 2009</i>, of the person or a child of the person or of the spouse.”;</p> <p>(c) insert the following subparagraph after subparagraph (11):</p> <p>“(12) For the purposes of subparagraphs (2) and (9) of this paragraph, ‘civil partner’ in relation to a person, does not include a civil partner who is living separately and apart from the person.”.</p>	5 10 15 20
32.	Gas (Interim) (Regulation) Act 2002	Paragraph (c) of definition of “interests” in section 9(7)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”	
33.	National Development Finance Agency Act 2002	Section 17(10)(a)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”	25
34.	Sustainable Energy Act 2002	Section 18(2)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “connected relative” wherever it appears	30
35.	Digital Hub Development Agency Act 2003	Paragraph (e) of definition of “interests” in section 24(5)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”	35
36.	Industrial Development (Science Foundation Ireland) Act 2003	Section 16(2)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “connected relative” wherever it appears	40
37.	Private Security Services Act 2004	Section 17(2)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “connected relative” wherever it appears	45
38.	Grangegorman Development Agency Act 2005	Paragraph (e) of definition of “interests” in section 28(5)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”	50
39.	Railway Safety Act 2005	Section 20(2)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “connected relative” wherever it appears	55
40.	National Sports Campus Development Authority Act 2006	Section 16(2)	<p>(a) insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i>” after “connected relative” wherever it appears;</p> <p>(b) substitute “any” for “either” in paragraph (a)</p>	60

Item	Act	Provision	Amendment
5 41.	Registration of Deeds and Title Act 2006	Section 14(2)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “connected relative” wherever it appears
10 42.	Sea-Fisheries and Maritime Jurisdiction Act 2006	Section 57(2)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “connected relative” wherever it appears
15 43.	Consumer Protection Act 2007	Section 25(2)	(a) insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “connected relative” wherever it appears; (b) substitute “any” for “either” in paragraph (a) of section 25(2)
20 44.	Pharmacy Act 2007	Definition of “beneficial interest” in section 63(5)(a)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”
25 45.	Pharmacy Act 2007	Subparagraph 9(3) of Schedule 1	Substitute “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> of that member or a nominee of any of them” for “of that member or a nominee of either of them”
30 46.	Pharmacy Act 2007	Subparagraph 10(3) of Schedule 1	Substitute “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> of the employee or any of them” for “of the employee or either of them”

PART 2

Section 96.

PENSIONS PROVISIONS

Item	Act	Provision	Amendment
35 1.	Pilotage Order Confirmation Act 1927	Schedule	substitute “surviving spouse, or surviving civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ,” for “widow” wherever it appears
40 45 50 55 60 2.	Ministerial and Parliamentary Offices Act 1938	Section 20 (substituted by section 15 of the Ministerial, Parliamentary and Judicial Offices and Oireachtas Members (Miscellaneous Provisions) Act 2001)	(a) insert “or surviving civil partner” after “surviving spouse” wherever it appears; (b) insert “or surviving civil partner’s” after “surviving spouse’s” wherever it appears; (c) insert “or civil partner” after “spouse” wherever it appears; (d) in subsection (3), insert “or enters into a new civil partnership” after “remarries”; (e) in subsection (9), insert the following definition: “ ‘civil partner’ has the meaning assigned to it in the <i>Civil Partnership Act 2009</i> .”

Item	Act	Provision	Amendment	
3.	Ministerial and Parliamentary Offices Act 1938	Section 20C (inserted by section 16 of the Ministerial, Parliamentary and Judicial Offices and Oireachtas Members (Miscellaneous Provisions) Act 2001)	(a) in subsection (1), substitute “spouse’s pension or surviving civil partner’s (within the meaning of the <i>Civil Partnership Act 2009</i>) pension that has ceased to be payable because that person has married, remarried or entered into a civil partnership” for “spouse’s pension that has ceased to be payable because that person has remarried”; (b) inserting “or civil partnership” after “marriage”	5 10
4.	Ministerial and Parliamentary Offices Act 1938	Section 21(4)	substitute “surviving spouses’ pensions, surviving civil partners’ pensions” for “widows’ pensions”	15
5.	Oireachtas (Allowances to Members) Act 1938	Section 6A(6)(a)(i) (inserted by section 1 of the Oireachtas (Allowances to Members) (Amendment) Act 1968)	substitute “surviving spouses or surviving civil partners, within the meaning of the <i>Civil Partnership Act 2009</i> ” for “widows”	20 25
6.	Presidential Establishment Act 1938	Section 4(1) (substituted by section 3 of the Presidential Establishment (Amendment) Act 1991)	insert “, or surviving civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ,” after “widower”	30 35
7.	Presidential Establishment Act 1938	Section 4(2) (substituted by section 3 of the Presidential Establishment (Amendment) Act 1991)	substitute “married, remarried or entered into a civil partnership within the meaning of the <i>Civil Partnership Act 2009</i> after the death of the spouse or civil partner” for “remarried after the death of the spouse”	40
8.	Presidential Establishment Act 1938	Section 4(3) (substituted by section 3 of the Presidential Establishment (Amendment) Act 1991)	substitute “spouse or civil partner until, in case the person marries, remarries or enters into a civil partnership, such marriage, remarriage or entry into a civil partnership, or, in case the person does not marry, remarry or enter into a civil partnership,” for “spouse until, in case the person remarries, such remarriage or, in case the person does not remarry,”	45 50
9.	Garda Síochána (Compensation) Act 1941	Section 12	substitute “surviving spouse or surviving civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” for “widow” wherever it appears	55

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Item	Act	Provision	Amendment
10.	Central Bank Act 1942	Definition of “superannuation benefit” in section 33AG(8) (inserted by section 26 of the Central Bank and Financial Services Authority of Ireland Act 2003)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”
11.	Central Bank Act 1942	Paragraph 5(1) of Schedule 7 (inserted by section 22 of the Central Bank and Financial Services Authority of Ireland Act 2004)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”
12.	Harbours Act 1946	Section 151(9)	substitute “surviving spouse or surviving civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” for “widow”
13.	Great Southern Railways Company (Superannuation Scheme) Act 1947	Schedule	(a) substitute “surviving spouse, or surviving civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ,” for “widow” wherever it appears other than in paragraph 23(a)(ii); (b) in paragraph 23(a)(ii), substitute “surviving spouse or surviving civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ,” for “widower or widow”
14.	Electricity (Supply) (Amendment) Act 1958	Section 15(1)	substitute “to that person’s spouse or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” for “, if the person making the surrender is a man, to his wife.”
15.	Electricity (Supply) (Amendment) Act 1958	Section 15(3)	substitute “the dependant or wife, or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ,” for “the wife or dependant”
16.	Courts of Justice and Court Officers (Superannuation) Act 1961	Section 7	substitute “spouse or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” for “wife” wherever it appears
17.	Companies Act 1963	Paragraph 90 of First Schedule	substitute “his or her surviving spouse or surviving civil partner, within the meaning of the <i>Civil Partnership Act 2009</i> , or dependants” for “his widow or dependants”

Item	Act	Provision	Amendment	
18.	Electricity (Supply) (Amendment) Act 1970	Section 5(4)(b)	substitute “spouse, civil partner within the meaning of the <i>Civil Partnership Act 2009</i> or a dependent” for “wife or a dependent”	5
19.	Local Government (Superannuation) Act 1980	Section 5(4)(b)(ii)(II)	substitute “surviving spouses or surviving civil partners, within the meaning of the <i>Civil Partnership Act 2009</i> ” for “widows”	10
20.	Courts (Supplemental Provisions) (Amendment) Act 1991	Section 4(2)	insert “, civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ,” after “spouse”	15
21.	Courts (Supplemental Provisions) (Amendment) Act 1991	Section 7(1)	insert “, civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”	20
22.	Air Navigation and Transport (Amendment) Act 1998	Section 32(12)	insert “, civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ,” after “spouse” wherever it appears	25
23.	Garda Síochána Act 2005	Section 122(1)(i)	insert “or civil partners within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouses”	

Section 166.

PART 3

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PROPERTY RIGHTS PROVISIONS

Item	Act	Provision	Amendment	
1.	Land Act 1931	Section 35(3)(a)	substitute “spouse, civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” for “husband”	35
2.	Land Act 1933	Section 29(1)	insert “or the civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “husband”	
3.	Land Act 1936	Section 16(2)(b)	insert “or the civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “husband” wherever it appears	40
4.	Companies Act 1963	Section 289(3)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”	45
5.	Companies Act 1963	Section 300A(1)(b) (inserted by section 146 of the Companies Act 1990)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”	50
6.	Land Act 1965	Section 6(3)	(a) insert “or who is a civil partner within the meaning of the <i>Civil Partnership Act 2009</i> whose civil partner (not being interested jointly or in common in the land) is alive on that date,” after “on that date”;	55
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Item	Act	Provision	Amendment
5			(b) insert “or civil partner” after “spouse” in paragraph (a); (c) insert “or civil partner” after “spouse” in paragraph (b) wherever it appears
10	7. Land Act 1965	Section 6(4)	(a) substitute “unmarried,” for “unmarried or”; (b) insert “or is a surviving civil partner” after “widow”; (c) insert “or civil partner” after “spouse”
15	8. Agricultural Credit Act 1978	Section 31(2)(a)(i)(II)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “husband”
20	9. Housing (Miscellaneous Provisions) Act 1979	Section 4(5) (inserted by section 25 of the Housing Act 1988)	(a) substitute “marriage or civil partnership within the meaning of the <i>Civil Partnership Act 2009</i> ” for “marriage” in paragraph (a)(i); (b) substitute “separated from his or her spouse or civil partner” for “separated from his spouse” in paragraph (a) (ii); (c) add “or civil partner” after “spouse” in paragraph (c)
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30	10. Housing (Miscellaneous Provisions) Act 1979	Section 11(3)(b)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”
35	11. Occasional Trading Act 1979	Section 2(2)(j)	insert “, civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”
40	12. Abattoirs Act 1988	Section 13(2)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”
45	13. Abattoirs Act 1988	Section 28(2)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”
50	14. Bankruptcy Act 1988	Section 61(5)	(a) insert “or shared home within the meaning of the <i>Civil Partnership Act 2009</i> ” after “family home” wherever it appears; (b) insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”
55	15. Housing Act 1988	Section 3(2)(e)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”
	16. Housing Act 1988	Section 4	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse” wherever it appears

Item	Act	Provision	Amendment	
17.	Central Bank Act 1989	Paragraph (a) of the definition of “connected person” in section 53	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”	5
18.	Companies Act 1990	Section 26(1)(a) (substituted by section 76 of the Company Law Enforcement Act 2001)	insert “, civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ,” after “spouse” wherever it appears	10
19.	Companies Act 1990	Section 64	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse” wherever it appears	15
20.	Irish Horseracing Industry Act 1994	Section 48(21)(a)(i)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”	
21.	Consumer Credit Act 1995	Section 45(3)	insert the following paragraph after paragraph (a): “(aa) for the purposes of the <i>Civil Partnership Act 2009</i> , send any written communication connected with the agreement to the consumer’s civil partner, or”	20 25 30
22.	Investor Compensation Act 1998	Paragraph (d) of definition of “excluded investor” in section 2(1)	insert “, a civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “relative”	35

Section 167.

PART 4

REDRESS PROVISIONS

Item	Act	Provision	Amendment	
1.	Garda Síochána (Compensation) Act 1941	Section 3(a)	substitute “surviving spouse or surviving civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” for “widow”	40
2.	Civil Liability Act 1961	Definition of “dependant” in section 47(1) (substituted by section 1 of the Civil Liability (Amendment) Act 1996)	(a) insert “, civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”; (b) delete “or” at the end of paragraph (b); (c) insert the following paragraph after paragraph (b): “(ba) a person whose civil partnership with the deceased has been dissolved by a decree of dissolution that was granted under the <i>Civil Partnership Act 2009</i> or	45 50 55 60

Item	Act	Provision	Amendment
5			under the law of a country or jurisdiction other than the State and is recognised in the State, or”.
10	3. Residential Institutions Redress Act 2002	Section 9(1) and (2)	substitute “the children, spouse or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” for “the children or spouse” wherever it appears
15	4. Air Navigation and Transport (International Conventions) Act 2004	Definition of “dependant” in section 7(1)	(a) insert “, or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “husband”; (b) insert the following paragraph after paragraph (b): “(ba) a person whose civil partnership with the deceased— (i) has been dissolved by a decree of dissolution that was granted under the <i>Civil Partnership Act 2009</i> , or (ii) has been dissolved in accordance with the law of a country or jurisdiction (other than the State), but only if the dissolution is recognised in the State;”
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40	5. Commission to Inquire into Child Abuse (Amendment) Act 2005	Section 27(1)	insert “or the civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “relative”

PART 5

Section 168.

MISCELLANEOUS PROVISIONS

Item	Act	Provision	Amendment
45	1. Enforcement of Court Orders Act 1926	Section 13(1)	insert “, or the civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ,” after “husband”
50	2. Aliens Act 1935	Section 5(4)	insert “, or the civil partner to whom an order made under section 5 of the <i>Civil Partnership Act 2009</i> applies,” after “spouse” wherever it appears
55	3. Defence Act 1954	Section 161(4)(a)(ii) (inserted by section 18(c) of the Defence (Amendment) Act 2007)	insert “or the civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “family”
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Item	Act	Provision	Amendment	
4.	Local Authorities (Higher Education Grants) Act 1968	Section 2(1A)(a)(iii) (inserted by section 3 of the Local Authorities (Higher Education Grants) Act 1992)	insert “or civil partners within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouses”	5 10
5.	Health Act 1970	Section 45(2) (inserted by section 1 of the Health (Amendment) Act 2005), section 46(2), section 58(2) (inserted by section 5 of the Health (Amendment) Act 2005), section 59(2) (inserted by section 1 of the Health (Miscellaneous Provisions) Act 2001), section 68(3)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”, wherever it appears	15 20 25 30
6.	Prosecution of Offences Act 1974	Section 6(2)(a)(ii)	insert “or the civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “family”	
7.	Unfair Dismissals Act 1977	Section 2(1)(c)	insert “, civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”	35
8.	Bankruptcy Act 1988	Section 45(1)	substitute “spouse or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” for “wife”	40
9.	Bankruptcy Act 1988	Section 59	(a) insert “or civil partnership within the meaning of the <i>Civil Partnership Act 2009</i> ” after “marriage” in subsection (1): (b) insert the following subsection after subsection (2): “(2A) A covenant or contract made by any person (in this section called the settlor) in consideration of his or her entry into civil partnership within the meaning of the <i>Civil Partnership Act 2009</i> , either for the future payment of money for the benefit of the settlor’s civil partner, or for the future settlement, on or for the settlor’s civil partner, of property wherein the settlor had not at the date of the registration of the civil partnership any estate or interest, whether vested or contingent, in possession or remainder,	45 50 55 60 65

Item	Act	Provision	Amendment
5			shall, if the settlor is adjudicated bankrupt and the covenant or contract has not been executed at the date of the adjudication, be void as against the Official Assignee, except so far as it enables the civil partner entitled under the covenant or contract to claim for dividend in the settlor's bankruptcy under or in respect of the covenant or contract, but any such claim to dividend shall be postponed until all the claims of the other creditors for valuable consideration in money or money's worth have been satisfied."
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25	10. Health (Nursing Homes) Act 1990	Section 2(1)	insert "or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> " before "or of a parent"
30	11. Health (Nursing Homes) Act 1990	Section 7B (substituted by section 3 of the Health (Nursing Homes) (Amendment) Act 2007)	(a) insert "or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> " after "spouse" wherever it appears; (b) insert "civil partner, or a" before "married or cohabiting person" in subsection (4); (c) substitute "applicant and his or her civil partner or spouse" for "married couple" in subsection (4)
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45	12. Electoral Act 1992	Section 12(2)	insert "or the civil partner within the meaning of the <i>Civil Partnership Act 2009</i> " after "spouse"
50	13. Statistics Act 1993	Section 27(1)(a)	replace "spouse or" with "spouse, civil partner within the meaning of the <i>Civil Partnership Act 2009</i> , or a"
55	14. Solicitors (Amendment) Act 1994	Section 32(4)	insert ", civil partner within the meaning of the <i>Civil Partnership Act 2009</i> " after "spouse"
60	15. Criminal Assets Bureau Act 1996	Sections 11(1), 13(1) and 15(1)	insert "or the civil partner within the meaning of the <i>Civil Partnership Act 2009</i> " after "family" wherever it appears
65	16. Refugee Act 1996	Section 18(3)(a)	insert "or the civil partner within the meaning of the <i>Civil Partnership Act 2009</i> " after "family"
	17. Non-Fatal Offences Against the Person Act 1997	Sections 9(1) and 11(1)	insert "or the civil partner within the meaning of the <i>Civil Partnership Act 2009</i> " after "family" wherever it appears
	18. Organisation of Working Time Act 1997	Section 3(2)(b)	(a) insert "or is employed by the person's civil partner within the meaning of the <i>Civil Partnership Act 2009</i> " after "household" in subparagraph (i);

Item	Act	Provision	Amendment	
			(b) insert “or civil partner” after “relative” in subparagraph (ii)	
19.	Criminal Justice Act 1999	Section 41(1)(a)	insert “or his or her civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “family”	5
20.	National Minimum Wage Act 2000	Section 5(a)	insert “, civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”	10
21.	Housing (Miscellaneous Provisions) Act 2002	Section 13(2)(a)	substitute “, civil status within the meaning of the <i>Civil Partnership Act 2009</i> ” for “marital status”	
22.	Health Act 2004	Sections 46(3)(a) and 46(4)	insert “or civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “relative” wherever it appears	15
23.	Disability Act 2005	Section 9(2)(a)	insert “, civil partner within the meaning of the <i>Civil Partnership Act 2009</i> ” after “spouse”	20